

U.S. ENVIRONMENTAL PROTECTION AGENCY EPA ASSISTANCE AGREEMENT/AMENDMENT PART I - ASSISTANCE NOTIFICATION INFORMATION					1. ASSISTANCE ID NO. C470386-01-B		2. LOG NUMBER 4-C-016	
					3. DATE OF AWARD NOV 12 1988		4. MAILING DATE NOV 12 1988	
5. AGREEMENT TYPE <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Grant Agreement <input checked="" type="checkbox"/> Assistance Amendment				6. PAYMENT METHOD <input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Letter of Credit Send Payment Request To: Financial Management, EPA, Region IV				
8. RECIPIENT City of Memphis City Hall 125 North Main Street Memphis, TN 38103 FY 7/1 - 6/30 EIN NO. N/A CONGRESSIONAL DISTRICT N/A				9. PAYEE N/A				
11. PROJECT MANAGER AND TELEPHONE NO. Honorable Richard Hackett Mayor of Memphis (901) 528-3131				10. RECIPIENT TYPE Municipality				
13. ISSUING OFFICE (City/State) N/A				12. CONSULTANT (WWT Construction Grants Only) N/A				
15. EPA CONGRESSIONAL LIAISON & TEL. NO. N/A				14. EPA PROJECT/STATE OFFICER AND TELEPHONE NO. N/A				
19. STATUTORY AUTHORITY N/A		20. REGULATORY AUTHORITY N/A		17. FIELD OF SCIENCE N/A		18. PROJECT STEP/WWT CG Only 1		
21. STEP 2 + 3 & STEP 3 (WWT Construction Only)								
a. Treatment Level								N/A
b. Project Type								N/A
c. Treatment Process								N/A
d. Sludge Design								N/A
22. PROJECT TITLE AND DESCRIPTION This amendment is necessary to decrease unearned monies remaining in the grant including the \$569 overpayment which was refunded to the Environmental Protection Agency by the recipient.								
23. PROJECT LOCATION (Areas Impacted by Project)								
City/Place Memphis			County Shelby			State TN		Congressional District N/A
24. ASSISTANCE PROGRAM (CFDA Program No. & Title) N/A			25. PROJECT PERIOD N/A			26. BUDGET PERIOD N/A		
27. COMMUNITY POPULATION (WWT CG Only) N/A			28. TOTAL BUDGET PERIOD COST N/A			29. TOTAL PROJECT PERIOD COST \$ 3,205,708		
FUNDS		FORMER AWARD		THIS ACTION		AMENDED TOTAL		
30. EPA Amount This Action		\$2,415,026		\$(-10,745) Decrease		\$2,404,281		
31. EPA In-Kind Amount		N/A		N/A		N/A		
32. Unexpended Prior Year Balance		N/A		N/A		N/A		
33. Other Federal Funds		N/A		N/A		N/A		
34. Recipient Contribution		\$ 807,346		\$(- 5,919) Decrease		\$ 801,427		
35. State Contribution		N/A		N/A		N/A		
36. Local Contribution		N/A		N/A		N/A		
37. Other Contribution		N/A		N/A		N/A		
38. Allowable Project Cost		\$3,222,372		\$(-16,664) Decrease		\$3,205,708		
39. FISCAL	Program Element	FY	Appropriation	Doc. Control No.	Account Number	Object Class	Obligation/Deblig. Amount	
	-----	1979	68X0103.B	-----	BG7H048008	41.11	\$3,470	
	-----	1983	68X0103.F	-----	MGKA048008	41.11	\$7,275	

TABLE A - OBJECT CLASS CATEGORY
(Non-construction)TOTAL APPROVED ALLOWABLE
BUDGET PERIOD COST

1. PERSONNEL

2. FRINGE BENEFITS

3. TRAVEL

4. EQUIPMENT

5. SUPPLIES

6. CONTRACTUAL

7. CONSTRUCTION

8. OTHER

9. TOTAL DIRECT CHARGES

10. INDIRECT COSTS: RATE % BASE

11. TOTAL (Share: Recipient _____ % Federal _____ %)

12. TOTAL APPROVED ASSISTANCE AMOUNT

\$ N/A

TABLE B - PROGRAM ELEMENT CLASSIFICATION
(Non-construction)

1.

2.

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12. TOTAL (Share: Recipient _____ % Federal _____ %)

13. TOTAL APPROVED ASSISTANCE AMOUNT

\$ N/A

TABLE C - PROGRAM ELEMENT CLASSIFICATION
(Construction)

1. ADMINISTRATION EXPENSE

2. PRELIMINARY EXPENSE

3. LAND STRUCTURES, RIGHT-OF-WAY

4. ARCHITECTURAL ENGINEERING BASIC FEES

5. OTHER ARCHITECTURAL ENGINEERING FEES

6. PROJECT INSPECTION FEES

7. LAND DEVELOPMENT

8. RELOCATION EXPENSES

9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESSES

10. DEMOLITION AND REMOVAL

11. CONSTRUCTION AND PROJECT IMPROVEMENT

12. EQUIPMENT

13. MISCELLANEOUS

14. TOTAL (Lines 1 thru 13)

15. ESTIMATED INCOME (If applicable)

16. NET PROJECT AMOUNT (Line 14 minus 15)

17. LESS: INELIGIBLE EXCLUSIONS

18. ADD: CONTINGENCIES

19. TOTAL (Share: Recipient _____ % Federal _____ %)

20. TOTAL APPROVED ASSISTANCE AMOUNT

\$ N/A

U.S. ENVIRONMENTAL PROTECTION AGENCY

ASSISTANCE AMENDMENT
(Optional)

(Please read instructions on reverse)

ASSISTANCE I.D. NO.

C470386-01

AMENDMENT NO.

B

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION**APPROPRIATION AND ACCOUNTING DATA**

APPROPRIATION NUMBER 68X0103.B, 68X0103.F	ACCOUNT NUMBER BG7H048008, MGKA048008	OBJECT CLASS CODE 41.11
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DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.700, THE ABOVE-NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

Final decrease to reduce unearned monies including \$569 overpayment.

	<u>Previous</u>	<u>Present</u>	<u>Decrease</u>
Eligible Amount:	\$3,222,372	\$3,205,708	\$16,664
Grant Amount:	\$2,415,026	\$2,404,281	\$10,745

AWARD APPROVAL OFFICE

ORGANIZATION
Water Management Division

ADDRESS
Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

ISSUING OFFICE

ORGANIZATION
Water Management Division

ADDRESS
Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

RECIPIENT ORGANIZATION

NAME
City of Memphis

ADDRESS
City Hall
125 North Main Street
Memphis, TN 38103

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL
Bruce R. Barrett

TYPED NAME AND TITLE
Bruce R. Barrett, Dir., Water Mgmt, Div.

DATE
NOV 12 1988

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE
Richard Hackett

TYPED NAME AND TITLE
Richard Hackett, Mayor

DATE
11-19-89

GENERAL INSTRUCTIONS FOR EPA FORM 5700-20B, ASSISTANCE AMENDMENT
(EPA Personnel Only)

1. Use of This Assistance Amendment. Required for all Assistance Amendments entered into pursuant to 40 CFR 30.700. This form is not applicable to fellowships.

2. Preparation of the Assistance Amendment.

- a. The Assistance Amendment will be prepared by Grants Administration Division for Headquarters Assistance Amendments and by the Regional Grants Administration Office for regional awards.
- b. All approved amounts should be rounded downward to the nearest dollar.
- c. If an item is not applicable to the Assistance Agreement, place "N/A" in the corresponding block. **DO NOT LEAVE ITEMS BLANK.**
- d. Amendments should be numbered consecutively under each award.

3. Transmittal. Upon approval of an amendment award and 5 days after the Grants Information and Analysis Branch, PM-216, is notified, the amendment document will be transmitted by certified mail (return receipt requested) to the applicant for execution. An additional copy of the Assistance Amendment will be transmitted to the State agency for Wastewater Treatment Works Construction projects.

4. Return Address. The recipient should be instructed in the transmittal letter to return Headquarters Assistance Amendments to the Grants Operations Branch, Grants Administration Division, and regional Assistance Amendments to the Grants Administration Office of the appropriate regional office. It should be recommended that return transmittal be made by certified mail.

5. Distribution. The final distribution of the executed Assistance Amendment copies shall be performed by the Grants Administration Division for Headquarters awards and by the appropriate Grants Administration Office for regional awards.

PREPARATION INSTRUCTIONS BY ITEM

Appropriation and Accounting Data. Supply appropriation, accounting, and object class data as indicated.

Description of Amendment. Supply concise description of amendment indicating all deletions and additions to the Assistance Agreement. (Use and attach additional sheets if necessary.)

NOTE: Any change in the approved project work, approved budget, or the approved commencement and completion dates for the approved project or major phases thereof must be stated in the Assistance Amendment. Example: Assistance Agreement, Page 1, Part 1, Item 5, entitled "PROJECT MANAGER" is deleted in its entirety. The following Item 5, entitled "PROJECT MANAGER" is substituted in lieu thereof:

PROJECT MANAGER

- a. Name (*John Smith*)
- b. Title (*Project Manager*)
- c. Phone Number *123-4567*
- d. Address *100 Main St., Midtown, USA*

Award Approval Office. Indicate the EPA program organization title of the Award Approving Official and complete address.

Issuing Office. Indicate the Grants Administration Office (*Headquarters or Regional*) and complete address.

Recipient Organization. Indicate the legal organization title and complete address of the Recipient.

**U.S. ENVIRONMENTAL PROTECTION AGENCY
EPA ASSISTANCE AGREEMENT/AMENDMENT
PART I - ASSISTANCE NOTIFICATION INFORMATION**

1. ASSISTANCE ID NO.
C4. 386-01-B

2. LOG NUMBER
4-C-016

3. DATE OF AWARD
NOV 12 1988

4. MAILING DATE
NOV 12 1988

5. AGREEMENT TYPE

☐ Cooperative Agreement
☐ Grant Agreement
☒ Assistance Amendment

6. PAYMENT METHOD

☐ Advance ☒ Reimbursement ☐ Letter of Credit

Send Payment Request To: Financial Management, EPA, Region IV

7. TYPE OF ACTION

Augmentation (Decrease)

8. RECIPIENT

City of Memphis
City Hall
125 North Main Street
Memphis, TN 38103
FY 7/1 - 6/30

9. PAYEE

N/A

EIN NO.

N/A

CONGRESSIONAL DISTRICT

N/A

11. PROJECT MANAGER AND TELEPHONE NO.

Honorable Richard Hackett
Mayor of Memphis
(901) 528-3131

10. RECIPIENT TYPE

Municipality

12. CONSULTANT (WWT Construction Grants Only)

N/A

13. ISSUING OFFICE (City/State)

N/A

14. EPA PROJECT/STATE OFFICER AND TELEPHONE

N/A

15. EPA CONGRESSIONAL LIAISON & TEL. NO.

N/A

16. STATE APPL ID (Clearinghouse)

N/A

17. FIELD OF SCIENCE

N/A

18. PROJECT STEP (WWT CG Only)

1

19. STATUTORY AUTHORITY

N/A

20. REGULATORY AUTHORITY

N/A

21. STEP 2 + 3 & STEP 3 (WWT Construction Grants Only)

a. Treatment Level	N/A
b. Project Type	N/A
c. Treatment Process	N/A
d. Sludge Design	N/A

22. PROJECT TITLE AND DESCRIPTION

This amendment is necessary to decrease unearned monies remaining in the grant including the \$569 overpayment which was refunded to the Environmental Protection Agency by the recipient.

23. PROJECT LOCATION (Areas Impacted by Project)

City/Place

Memphis

County

Shelby

State

TN

Congressional District

N/A

24. ASSISTANCE PROGRAM (CFDA Program No. & Title)

N/A

25. PROJECT PERIOD

N/A

26. BUDGET PERIOD

N/A

27. COMMUNITY POPULATION (WWT CG Only)

N/A

28. TOTAL BUDGET PERIOD COST

N/A

29. TOTAL PROJECT PERIOD COST

\$3,205,708

FUNDS

FORMER AWARD

THIS ACTION

AMENDED TOTAL

30. EPA Amount This Action	\$2,415,026	\$(-10,745) Decrease	\$2,404,281
31. EPA In-Kind Amount	N/A	N/A	N/A
32. Unexpended Prior Year Balance	N/A	N/A	N/A
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39. FISCAL	Program Element	FY	Appropriation	Doc. Control No.	Account Number	Object Class	Obligation/Debt/ig. Amount
	-----	1979	68X0103.B	740055	BG7H048008	41.11	\$3,470
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9. TOTAL DIRECT CHARGES

10. INDIRECT COSTS: RATE % BASE

11. TOTAL (Share: Recipient _____ % Federal _____ %)

12. TOTAL APPROVED ASSISTANCE AMOUNT

\$ N/A

TABLE B - PROGRAM ELEMENT CLASSIFICATION
(Non-construction)

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12. TOTAL (Share: Recipient _____ % Federal _____ %)

13. TOTAL APPROVED ASSISTANCE AMOUNT

\$ N/A

TABLE C - PROGRAM ELEMENT CLASSIFICATION
(Construction)

1. ADMINISTRATION EXPENSE

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U.S. ENVIRONMENTAL PROTECTION AGENCY

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(Optional)

(Please read instructions on reverse)

ASSISTANCE I.D. NO.

C470386-01

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GENERAL INFORMATION

APPROPRIATION AND ACCOUNTING DATA

APPROPRIATION NUMBER

68X0103.B, 68X0103.F

ACCOUNT NUMBER

BG7H048008, MGKA048008

OBJECT CLASS CODE

41.11

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AWARD APPROVAL OFFICE

ORGANIZATION

Water Management Division

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

ISSUING OFFICE

ORGANIZATION

Water Management Division

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

RECIPIENT ORGANIZATION

NAME

City of Memphis

ADDRESS

City Hall
125 North Main Street
Memphis, TN 38103

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THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

Bruce R. Barrett, Dir., Water Mgmt, Div. NOV 12 1988

DATE

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Richard Hackett, Mayor

DATE

GENERAL INSTRUCTIONS FOR EPA FORM 5700-20B, ASSISTANCE AMENDMENT
(EPA Personnel Only)

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PROJECT MANAGER

- a. Name (*John Smith*)
- b. Title (*Project Manager*)
- c. Phone Number 123-4567
- d. Address 100 Main St., Midtown, USA

Award Approval Office. Indicate the EPA program organization title of the Award Approving Official and complete address.

Issuing Office. Indicate the Grants Administration Office (*Headquarters or Regional*) and complete address.

Recipient Organization. Indicate the legal organization title and complete address of the Recipient.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE 7/25/88

SUBJECT Collection of Funds from EPA Grantees

FROM Chief, Financial Management Unit
REMB

TO Harold W. Hopkins, Chief
Facilities Construction Branch

The following amount has been received in the Financial Management Office and is available for decrease:

Grantee	City of Memphis	Audit #	
Grant #	47038601	Amount	569.00 ✓

Also, please note that this information should be coded into the GICS system as well.

Conny E. Chandler
Conny E. Chandler

cc: Office of Inspector General
Ed Springer, Disputes Review Officer
State Section, Water Division

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS

(See instructions on back)

Approved by Office of Management and Budget, No. 80-RO181 PAGE 2 OF 3 PAGES

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

ENVIRONMENTAL PROTECTION AGENCY

1. TYPE OF REQUEST
☒ FINAL ☐ PARTIAL

2. BASIS OF REQUEST
☒ CASH ☐ ACCRUAL

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY
C470386-01

5. PARTIAL PAYMENT REQUEST NO.
29 FINAL

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER

PERIOD COVERED BY THIS REPORT

FROM (Month, day, year)

TO (Month, day, year)

4/30/87

9. RECIPIENT ORGANIZATION

Name : CITY OF MEMPHIS

No. and Street : 125 NORTH MAIN, CITY HALL

City, State and ZIP Code : MEMPHIS, TENNESSEE 38103

10. PAYEE (Where check should be sent if different than item 9)

Name :

No. and Street :

City, State and ZIP Code :

W 80 43

11.

STATUS OF FUNDS

CLASSIFICATION	PROGRAMS—FUNCTIONS—ACTIVITIES			TOTAL
	(a) MUNFORD S.S.E.S.	(b) CLOVERHAVEN S.S.E.S.	(c) FINAL MEMPHIS S.S.E.S.	
a. Administrative expense	\$	\$	\$ 72,733.00	\$
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees	37,568.00	32,299.00	1,299,079.00	
e. Other architectural engineering fees				
f. Project inspection fees				
g. Land development				
h. Relocation expense				
i. Relocation payments to individuals and businesses				
j. Demolition and removal				
k. Construction and project improvement cost				
l. Equipment			251,851.00	
m. Miscellaneous cost				
n. Total cumulative to date (sum of lines a thru m)	37,568.00	32,299.00*	1,623,663.00	
o. Deductions for program income				
p. Net cumulative to date (Line n minus line o)	37,568.00	32,299.00*	1,623,663.00	
q. Federal share to date	28,176.00	23,656.00	1,217,747.00	
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal share (sum of lines q and r)	28,176.00	23,656.00	1,217,747.00	

271-101

*Eligible costs for 75% Grant restricted to \$31,541.00. Grant not to exceed \$23,656.00

STANDARD FORM 271 (7-76)
Prescribed by Office of Management and Budget
Cir. No. 4-110

12. CERTIFICATION		I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.	
v. Percentage of physical completion of project		100 %	b. Representative certifying to line 11v.
u. Amount requested for reimbursement		\$ -0-	a. RECIPIENT
		\$ -0-	
		\$ 32,535.00	
		\$ 568.00	
DATE REPORT SUBMITTED		DATE REPORT SUBMITTED	DATE REPORT SUBMITTED
TELEPHONE (Area code, number and extension)		TELEPHONE (Area code, number and extension)	TELEPHONE (Area code, number and extension)
901-576-6000		901-576-6000	901-576-6000
DATE SIGNED		DATE SIGNED	DATE SIGNED
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL
TYPED OR PRINTED NAME AND TITLE		TYPED OR PRINTED NAME AND TITLE	TYPED OR PRINTED NAME AND TITLE
RICHARD C. HACKETT, MAYOR		RICHARD C. HACKETT, MAYOR	RICHARD C. HACKETT, MAYOR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

August 31, 1987

Coopers and Lybrand
1000 Morgan Keegan Tower
50 N. Front Street
Memphis, TN 38103

Gentlemen:

This references your letter dated August 19, 1987. The grants listed below have had payments disbursed to the City of Memphis:

<u>Grant Number</u>	<u>Payments Disbursed 7/1/86 - 6/30/87</u>	<u>Payments Disbursed After 6/30/87</u>
C470247-01	\$ 554,554.00	\$ 107,435.00
C470386-01	47,583.00	33,104.00
C470386-03	613,281.00	-0-

There is not enough money left in the grant C470386-03 to disburse the payment of \$132,200.00.

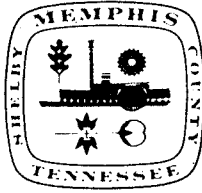
Sincerely,

M. Watkins
Fiscal Assistant
Financial Management Unit

cc: Danny Wray, Comptroller
City of Memphis

RICHARD C. HACKETT
MAYOR

CITY of MEMPHIS



DIVISION OF FINANCE
AND ADMINISTRATION

OFFICE OF THE COMPTROLLER
Room 316
901-576-6651

August 19, 1987

Environmental Protection Agency
Financial Mgmt Branch
345 Courtland St. N.E.
Atlanta, Ga 30308

Dear Sirs:

Our accountants, Coopers and Lybrand, 1000 Morgan Keegan Tower, 50 N. Front St., Memphis, Tennessee 38103 are in the process of examining the financial statements of the City of Memphis for the year ended June 30, 1987. In conjunction with this examination, please confirm the following information directly to them. A stamped, self addressed envelope has been provided for you.

The amounts detailed below were due to the City of Memphis-Capital Projects Fund from Federal EPA Grants.

Date Billed	Description	Grant#	Project#	Amount
July 1987	Nonconnah SSES	WPC470386-01	179846	\$ 32,535
July 1987	TE Maxson Pump State	WPC470247	179198	107,435
July 1987	TE Maxson Plant Exp.	WPC470386-03	179702	132,200
				<u>272,170</u>

If discrepancies between your records and ours exist, please detail them on a separate sheet.

Yours Truly,

Daniel Crum
for Danny Wray, Comptroller
City of Memphis

The above information is () correct () incorrect

Signature/Title _____ Date _____

COMPTROLLER
AUG 27 1 41 PM '87
EPA/REGION IV



RICHARD C. HACKETT
MAYOR

CITY of MEMPHIS



DIVISION OF FINANCE
AND ADMINISTRATION

OFFICE OF THE COMPTROLLER
Room 316
901-576-6651

August 19, 1987

Environmental Protection Agency
Financial Mgmt Branch
345 Courtland St. N.E.
Atlanta, Ga 30308

Dear Sirs:

Our accountants, Coopers and Lybrand, 1000 Morgan Keegan Tower, 50 N. Front St., Memphis, Tennessee 38103 are in the process of examining the financial statements of the City of Memphis for the year ended June 30, 1987. In conjunction with this examination, please confirm the following information directly to them. A stamped, self addressed envelope has been provided for you.

The amounts detailed below were due to the City of Memphis-Sewer Collection and Treatment Fund as of 6/30/87:

Expenditures related to Grant no. C470386-03	
As of 6/30/87 (Pollution Control)	<u>90,349.68</u>
Billed July 1987	

Please give details below of any discrepancies between our records and your records. Your prompt attention to this matter would be greatly appreciated.

Yours Truly,

Danny Wray
for Danny Wray, Comptroller
City of Memphis

The above information is () correct () incorrect

Signature/Title _____ Date _____



America's Distribution Center

CITY HALL — 125 No. MID AMERICA MALL — MEMPHIS, TENNESSEE 38103

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS

(See instructions on back)

Approved by Office of
Budget, No. 80-RO181

gement and PAGE OF
3 3 PAGES

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

ENVIRONMENTAL PROTECTION AGENCY

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER

1. TYPE OF REQUEST

☒ FINAL ☐ PARTIAL

2. BASIS OF REQUEST

☒ CASH ☐ ACCRUAL

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY

C470386-01

5. PARTIAL PAYMENT REQUEST NO.

29 FINAL

PERIOD COVERED BY THIS REPORT

FROM (Month, day, year)

TO (Month, day, year)

4/30/87

9. RECIPIENT ORGANIZATION

Name : CITY OF MEMPHIS

No. and Street : 125 NORTH MAIN STREET, CITY HALL

City, State and ZIP Code : MEMPHIS, TENNESSEE 38103

10. PAYEE (Where check should be sent if different than item 9)

Name : G7429

No. and Street :

071287V

City, State and ZIP Code :

11.

STATUS OF FUNDS

CLASSIFICATION	PROGRAMS—FUNCTIONS—ACTIVITIES			TOTAL
	(a) ATOKA, TN BIG CREEK UPDATE	(b)	(c)	
a. Administrative expense	\$	\$	\$	\$ 72,733.00
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees	9,700.00			2,881,883.24
e. Other architectural engineering fees				
f. Project inspection fees				
g. Land development				
h. Relocation expense				
i. Relocation payments to individuals and businesses				
j. Demolition and removal				
k. Construction and project improvement cost				
l. Equipment				251,851.00
m. Miscellaneous cost				
n. Total cumulative to date (sum of lines a thru m)	9,700.00			3,206,467.24
o. Deductions for program income				
p. Net cumulative to date (Line n minus line o)	9,700.00			3,206,467.24
q. Federal share to date	7,275.00			2,404,850.43
r. Rehabilitation grants (100% reimbursement)				2,404,281.93
s. Total Federal share (sum of lines q and r)	7,275.00			2,404,850.43
t. Federal payments previously requested	7,275.00			2,404,281.93
u. Amount requested for reimbursement				2,371,746.93
				2,371,746.93

22104.00 33104.00

CONSTRUCTION GRANTS
PAYMENT CERTIFICATION FORM

This form signifies the approval of the Outlay Report and Request for Reimbursement for Construction Program (EPA Standard form 271). Step 1 - first, fifty, seventy, ninety percent and final; Step 2 - first, ninety percent and final; Step 2+3 - Engineering Design Phase - first, ninety percent and final, and Construction Phase - first, first showing construction costs (if first payment did not include construction costs) fifty, eighty, (for grants made prior to 5/12/82) ninety percent and final; Step 3 - first, first showing construction (if first payment did not include construction cost), fifty, eighty (for grants made prior to 5/12/82), ninety percent and final. All payments for land purchase. Any claim or allowance costs (for grants after 5/12/82).

EPA Project Number: C470386 -01
Applicant: City of Memphis
Payment Number: 29 (final) Amount of Payment: \$ 33,104.00
Percent Complete: 100%

Approved by State: Marcia E. Patterson
Date: July 6, 1987

Certified by (State Director or his designee):
Cynthia A. Schaefer
Date: July 6, 1987

U.S. ENVIRONMENTAL PROTECTION AGENCY EPA ASSISTANCE AGREEMENT/AMENDMENT PART I - ASSISTANCE NOTIFICATION INFORMATION					1. ASSISTANCE ID NO. C470386-01-A		2. LOG NUMBER Four-C-088	
					3. DATE OF AWARD JAN 20 1987		4. MAILING DATE JAN 20 1987	
5. AGREEMENT TYPE				6. PAYMENT METHOD				
<input type="checkbox"/> Cooperative Agreement				<input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Letter of Credit				
<input type="checkbox"/> Grant Agreement				Send Payment Request To: Financial			7. TYPE OF ACTION	
<input checked="" type="checkbox"/> Assistance Amendment				Management, EPA, Region IV			Augmentation (Decrease)	
RECIPIENT ORGANIZATION	8. RECIPIENT				9. PAYEE			
	City of Memphis 125 North Main Street Memphis, Tennessee 38103				N/A			
	EIN NO. N/A CONGRESSIONAL DISTRICT N/A				10. RECIPIENT TYPE Municipality 020687U			
EPA CONTACT	11. PROJECT MANAGER AND TELEPHONE NO.				12. CONSULTANT (WWT Construction Grants Only)			
	N/A				N/A			
	13. ISSUING OFFICE (City/State)				14. EPA PROJECT/STATE OFFICER AND TELEPHONE NO.			
Water Management Division Environmental Protection Agency, Region IV 345 Courtland Street Atlanta, Georgia 30365				Cynthia A. Tschaepe, Director Division of Construction Grants and Loans 150 Ninth Avenue, North Nashville, Tennessee 37219-5404 (615) 741-0638				
15. EPA CONGRESSIONAL LIAISON & TEL. NO.		16. STATE APPL ID (Clearinghouse)		17. FIELD OF SCIENCE		18. PROJECT STEP (WWT CG Only)		
Pat Gaskins (202) 382-5184		N/A		N/A		1		
19. STATUTORY AUTHORITY		20. REGULATORY AUTHORITY		21. STEP 2 + 3 & STEP 3 (WWT Construction Only)				
P.L. 92-500, as amended Title II, Section 201		N/A		a. Treatment Level N/A b. Project Type N/A c. Treatment Process N/A d. Sludge Design N/A				
22. PROJECT TITLE AND DESCRIPTION								
This amendment is necessary to decrease unearned funds remaining in the grant.								
23. PROJECT LOCATION (Areas Impacted by Project)								
City/Place		County		State		Congressional District		
N/A		N/A		TN		N/A		
24. ASSISTANCE PROGRAM (CFDA Program No. & Title)				25. PROJECT PERIOD		26. BUDGET PERIOD		
66.418 Const. Grants for WWIW				N/A		N/A		
27. COMMUNITY POPULATION (WWT CG Only)		28. TOTAL BUDGET PERIOD COST			29. TOTAL PROJECT PERIOD COST			
N/A		N/A			N/A			
FUNDS		FORMER AWARD		THIS ACTION		AMENDED TOTAL		
30. EPA Amount This Action		\$2,443,067		\$(28,041) Decrease		\$2,415,026		
31. EPA In-Kind Amount		N/A		N/A		N/A		
32. Unexpended Prior Year Balance		N/A		N/A		N/A		
33. Other Federal Funds		N/A		N/A		N/A		
34. Recipient Contribution		\$ 814,356		\$(7,010) Decrease		\$ 807,346		
35. State Contribution		N/A		N/A		N/A		
36. Local Contribution		N/A		N/A		N/A		
37. Other Contribution		N/A		N/A		N/A		
38. Allowable Project Cost		\$3,257,423		\$(35,051) Decrease		\$3,222,372		
39. FISCAL	Program Element	FY	Appropriation	Doc. Control No.	Account Number	Object Class	Obligation/Deoblig. Amount	
	-----	1979	68X0103.B	-----	BG7H048008	41.11	\$28,041	

U.S. ENVIRONMENTAL PROTECTION AGENCY

ASSISTANCE AMENDMENT
(Optional)

(Please read instructions on reverse)

ASSISTANCE I.D. NO.

C470386-01

AMENDMENT NO.

A

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION

APPROPRIATION AND ACCOUNTING DATA

APPROPRIATION NUMBER

68X0103.B

ACCOUNT NUMBER

BG7Y048008

OBJECT CLASS CODE

41.11

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.900 "PROJECT CHANGES AND ASSISTANCE MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL ASSISTANCE AMENDMENTS," THE ABOVE NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

Decrease of unearned funds remaining in the Grant.

	<u>Previous</u>	<u>Present</u>	<u>Decrease</u>
Eligible Amount	\$3,257,423	\$3,222,372	\$35,051
Grant Amount	\$2,443,067	\$2,415,026	\$28,041

AWARD APPROVAL OFFICE

ORGANIZATION

Regional Administrator

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

ISSUING OFFICE

ORGANIZATION

Water Management Division

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

RECIPIENT ORGANIZATION

NAME

City of Memphis

ADDRESS

125 North Main Street
Memphis, TN 38103

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter 1, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

/s/ Lee A. DeHarris, III

TYPED NAME AND TITLE

Jack E. Ravan, Regional Administrator

DATE

JAN 30 1987

Deputy Regional Administrator

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

DATE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

September 29, 1986

Coopers & Lybrand
Attention: Mr. Robert Lattimore
1000 Morgan Keegan Tower
Fifty N. Front Street
Memphis, Tennessee 38103

Gentlemen:

Per our telephone conversation of September 24, 1986, the grants listed below have had payment disbursed to the City of Memphis:

<u>Grant Number</u>	<u>Payments Disbursed 7/1/85 - 6/30/86</u>	<u>Payment Disbursed After 6/30/86</u>
C470247-01	\$ 554,554.00	\$ -0-
C470386-01	3,078.00	19,542.00
C470386-03	1,186,465.00	613,281.00

Sincerely,

Merle Watkins
Fiscal Assistant
Financial Management Unit



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

September 11, 1986

Coopers & Lybrand
1000 Morgan Keegan Tower
Fifty N. Front Street
Memphis, Tennessee 38103

Gentlemen:

In accordance with the attached copy of letter, dated July 23, 1986, from City of Memphis, Division of Finance and Administration the discrepancies between your records and ours are as follows:

<u>Grant Number</u>	<u>Payments Disbursed</u> <u>7/1/85 - 6/30/86</u>
C470386-01	\$ 3,078.00
C470386-03	1,186,465.00

Sincerely,

A handwritten signature in cursive script that reads "Merle Watkins".

Merle Watkins
Fiscal Assistant
Financial Management Unit

cc: City of Memphis

RICHARD C. HACKETT
MAYOR

CITY of MEMPHIS



**DIVISION OF FINANCE
AND ADMINISTRATION**

OFFICE OF THE COMPTROLLER
Room 316
901-576-6651

July 23, 1986

Environmental Protection Agency
Financial Mgmt Branch
345 Courtland St. N.E.
Atlanta, Ga. 30308

Dear Sirs:

Our accountants, Coopers and Lybrand, 1000 Morgan Keegan Tower, 50 N. Front St., Memphis, Tennessee 38103 are in the process of examining the financial statements of the City of Memphis for the year ended June 30, 1986. In conjunction with this examination, please confirm the following information directly to them. A stamped, self addressed envelope has been provided for you.

The amounts detailed below were due to the City of Memphis-Capital Projects Fund from Federal EPA Grants.

Date Billed	Description	Grant#	Project#	Amount
July 1986	Nonconnah SSES	WPC470386-01	179146	\$ 18,724.00
July 1986	TE Maxson Pump Stat	WPC470247	179198	554,554.00
July 1986	TE Maxson Plant Exp.	WPC470386-03	179802	586,013.00
				1,159,291.00

If discrepancies between your records and ours exist, please detail them on a separate sheet.

Yours Truly,

Robert Tamboli

Robert Tamboli, Comptroller
City of Memphis

The above information is () correct () incorrect

Signature/Title _____ Date _____



America's Distribution Center

CITY HALL -- 125 No. MID AMERICA MALL -- MEMPHIS, TENNESSEE 38103

ACTION: R TABLEID: OBLL USERID: JONE S444

*** OBLIGATION ACCOUNTING LINE INQUIRY SCREEN ***

KEY IS TRANS CODE, ORDER NUMBER, LINE NUMBER

TRANS CODE: CG ORDER NUMBER: 0047038601

01- LINE NO: 003 , BFYS: 80 ? APPR: 67H*

DESCR:

RFIO: 04

PO LINE AMT: 1,153,776.00

BUDGET ORG: 048*

CLOSED AMT: 1,153,776.00

COST ORG:

EXPENDED AMT: 1,153,776.00

PE: 67H*

OUTSTANDING AMT: 0.00

BOC: 4111*

REPT CATG:

SITE/PROJECT:

LAST CHANGE STATUS:

02- LINE NO:

BFYS:

APPR:

DESCR:

RFIO:

PO LINE AMT:

BUDGET ORG:

CLOSED AMT:

COST ORG:

EXPENDED AMT:

PE:

OUTSTANDING AMT:

BOC:

REPT CATG:

SITE/PROJECT:

LAST CHANGE STATUS:

02-*L009 HEADER CHANGE

ASSISTANCE AMENDMENT

(Optional)

(Please read instructions on reverse)

ASSISTANCE I.D. NO.

C470386-01

AMENDMENT NO.

9

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION

APPROPRIATION AND ACCOUNTING DATA

APPROPRIATION NUMBER

N/A

ACCOUNT NUMBER

NO MONEY CHANGE

OBJECT CLASS CODE

41.11

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.900 "PROJECT CHANGES AND ASSISTANCE MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL ASSISTANCE AMENDMENTS," THE ABOVE NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

This amendment is necessary to extend the project budget period from 11/30/82-4/30/84 to 11/30/82-4/30/86.

No date reflected in the grant agreement, or in the project completion schedule, or extension of any such date, shall modify any compliance date established in an NPDES Permit. It is the grantee's obligation to request any required modification of applicable permit terms or other enforcement requirements.

The grantee is still responsible for any conditions which have not been satisfied on any subsequent amendments or agreements. This amendment does not represent a change in funds.

"No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607 (a) of Public Law 96-74."

AWARD APPROVAL OFFICE

ISSUING OFFICE

ORGANIZATION

Water Management Division

ORGANIZATION

Water Management Division

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

RECIPIENT ORGANIZATION

NAME

City Of Memphis

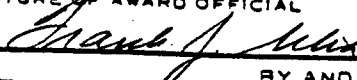
ADDRESS

125 North Main Street
Memphis, Tennessee 38103

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter 1, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL



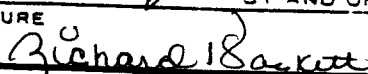
TYPED NAME AND TITLE

Paul J. Traina, Director, Water Mgmt. Div

DATE

AUG 7 1984

SIGNATURE



BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

TYPED NAME AND TITLE

Richard C. Hackett, Mayor

DATE

ASSISTANCE AMENDMENT

C470386-01

(Optional)

AMENDMENT NO.

(Please read instructions on reverse)

8

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION

APPROPRIATION AND ACCOUNTING DATA

APPROPRIATION NUMBER

ACCOUNT NUMBER

OBJECT CLASS CODE

NO MONEY CHANGE

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.900 "PROJECT CHANGES AND ASSISTANCE MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL ASSISTANCE AMENDMENTS," THE ABOVE NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

This amendment is necessary to extend the project/budget period from November 30, 1982 to April 30, 1984.

No date reflected in the grant agreement, or in the project completion schedule, or extension of any such date, shall modify any compliance date established in an NPDES Permit. It is the grantee's obligation to request any required modification of applicable permit terms or other enforcement requirements.

The grantee is still responsible for any conditions which have not been satisfied on any subsequent amendments or agreements. This amendment does not represent a change in funds.

"No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607 (a) of Public Law 96-74."

AWARD APPROVAL OFFICE

ISSUING OFFICE

ORGANIZATION

Water Management Division

ORGANIZATION

Water Management Division

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

RECIPIENT ORGANIZATION

NAME

Memphis, Tennessee

ADDRESS

125 North Main Street
Memphis, Tennessee 38103

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

Paul J. Traina, Director
Water Management Division

DATE

JAN 11 1984

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Richard Hackett, Mayor

DATE

2/24

U.S. ENVIRONMENTAL PROTECTION AGENCY EPA ASSISTANCE AGREEMENT/AMENDMENT PART I - ASSISTANCE NOTIFICATION INFORMATION						1. ASSISTANCE ID NO. C-386-01-7		2. LOG NUMBER Four C-02		
						3. DATE OF AWARD NOV 29 1983		4. MAILING DATE DEC 6 1983		
5. AGREEMENT TYPE				6. PAYMENT METHOD						
Cooperative Agreement				<input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Letter of Credit						
Grant Agreement				Send Payment Request To: Financial Mgmt.-EPA, Region IV				7. TYPE OF ACTION Revision (Increase)		
Assistance Amendment				X						
RECIPIENT ORGANIZATION	8. RECIPIENT City of Memphis 125 North Main Street Memphis, Tennessee 38103				9. PAYEE City of Memphis 125 North Main Street Memphis, Tennessee 38103					
	EIN NO. NA		CONGRESSIONAL DISTRICT 060708		10. RECIPIENT TYPE Municipality					
	11. PROJECT MANAGER AND TELEPHONE NO. Richard Hackett Mayor of Memphis (901) 528-2800				12. CONSULTANT (WWT Construction Grants Only) Maedson and Boals Associate Group P.O. Box 765 Munford, Tennessee 38058					
	13. ISSUING OFFICE (City/State) Water Management Division Environmental Protection Agency, Region IV 345 Courtland Street Atlanta, Georgia 30365				14. EPA PROJECT/STATE OFFICER AND TELEPHONE NO. James C. Ault, Director Division of Construction Grants & Loans 150 Ninth Avenue, North Nashville, TN 37203 (615) 741-0638					
EPA CONTACT	15. EPA CONGRESSIONAL LIAISON & TEL. NO. Pat Gaskins (202) 382-5184				16. STATE APPL ID (Clearinghouse)		17. FIELD OF SCIENCE NA		18. PROJECT STEP (WWT CG Only) 1	
	19. STATUTORY AUTHORITY P.L. 92-500 as amended, Title II, Section 201				20. REGULATORY AUTHORITY 40CFR 35 (e)		21. STEP 2 + 3 & STEP 3 (WWT Construction Only)			
							a. Treatment Level NA b. Project Type NA c. Treatment Process NA d. Sludge Design NA			
22. PROJECT TITLE AND DESCRIPTION This amendment is necessary to provide funds to update the Big Creek 201 Facility Plan for Atoka, Tennessee. This amendment also extends the project/budget period from November 30, 1982 to January 1, 1984. The 201 update is a result of changes in the regulations. 471571620 #1 75% grant										
23. PROJECT LOCATION (Areas Impacted by Project)										
City/Place Memphis				County Shelby		State TN		Congressional District 060708		
24. ASSISTANCE PROGRAM (CFDA Program No. & Title) 66.418 Const. Grants for WWTW				25. PROJECT PERIOD 10/7/74 - 1/1/84		26. BUDGET PERIOD 10/7/74 - 1/1/84				
27. COMMUNITY POPULATION (WWT CG Only) 2,800				28. TOTAL BUDGET PERIOD COST NA		29. TOTAL PROJECT PERIOD COST \$3,257,423				
FUNDS			FORMER AWARD		THIS ACTION		AMENDED TOTAL			
30. EPA Amount This Action			\$2,435,792		\$7,275		\$2,443,067			
31. EPA In-Kind Amount			NA		NA		NA			
32. Unexpended Prior Year Balance			NA		NA		NA			
33. Other Federal Funds			NA		NA		NA			
34. Recipient Contribution			811,931		2,425		814,356			
35. State Contribution			NA		NA		NA			
36. Local Contribution			NA		NA		NA			
37. Other Contribution			NA		NA		NA			
38. Allowable Project Cost			3,247,723		9,700		3,257,423			
39. FISCAL	Program Element	FY	Appropriation	Doc. Control No.	Account Number	Object Class	Obligation/Deoblig. Amount			
	GKAW80	83	68X0103.F 0501	T40003	MGKA048008 0047038601	41.11	\$7,275			

PART II-APPROVED BUDGET

ASSISTANCE IDENTIFICATION NO. C470386-01-~~7~~TABLE A - OBJECT CLASS CATEGORY
(Non-construction)TOTAL APPROVED ALLOWABLE
BUDGET PERIOD COST

1. PERSONNEL
2. FRINGE BENEFITS
3. TRAVEL
4. EQUIPMENT
5. SUPPLIES
6. CONTRACTUAL
7. CONSTRUCTION
8. OTHER
9. TOTAL DIRECT CHARGES
10. INDIRECT COSTS: RATE % BASE
11. TOTAL (Share: Recipient _____ % Federal _____ %)

12. TOTAL APPROVED ASSISTANCE AMOUNT

\$ NA

TABLE B - PROGRAM ELEMENT CLASSIFICATION
(Non-construction)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
12. TOTAL (Share: Recipient _____ % Federal _____ %)

13. TOTAL APPROVED ASSISTANCE AMOUNT

\$ NA

TABLE C - PROGRAM ELEMENT CLASSIFICATION
(Construction)

Previous

Revised

- | | Previous | Revised |
|--|-----------|-------------|
| 1. ADMINISTRATION EXPENSE | 72,733 | 72,733 |
| 2. PRELIMINARY EXPENSE | | |
| 3. LAND STRUCTURES, RIGHT-OF-WAY | | |
| 4. ARCHITECTURAL ENGINEERING BASIC FEES | 2,923,139 | \$2,932,839 |
| 5. OTHER ARCHITECTURAL ENGINEERING FEES | | |
| 6. PROJECT INSPECTION FEES | | |
| 7. LAND DEVELOPMENT | | |
| 8. RELOCATION EXPENSES | | |
| 9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESSES | | |
| 10. DEMOLITION AND REMOVAL | | |
| 11. CONSTRUCTION AND PROJECT IMPROVEMENT | | |
| 12. EQUIPMENT | 251,851 | 251,851 |
| 13. MISCELLANEOUS | | |
| 14. TOTAL (Lines 1 thru 13) | 3,247,723 | 3,257,423 |
| 15. ESTIMATED INCOME (If applicable) | | |
| 16. NET PROJECT AMOUNT (Line 14 minus 15) | 3,247,723 | 3,257,423 |
| 17. LESS: INELIGIBLE EXCLUSIONS | | |
| 18. ADD: CONTINGENCIES | | |
| 19. TOTAL (Share: Recipient <u>25</u> % Federal <u>75</u> %) | 3,247,723 | 3,257,423 |

20. TOTAL APPROVED ASSISTANCE AMOUNT

\$2,435,792

2,443,067

b. SPECIAL CONDITIONS (Continued)

PART IV

NOTE: The Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters awards and to the appropriate Grants Administrations Office for State and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the recipient subsequent to the document being signed by the EPA Award Official which the Award Official determines to materially alter the Agreement shall void the Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers assistance/amendment to the City of Memphis

for 75 % of all approved costs incurred up to and not exceeding \$ 2,443,067

RECIPIENT ORGANIZATION
ASSISTANCE AMOUNT

for the support of approved budget period effort described in application (including all application modifications) Const. Grant Application dated 4/24/74, 7/29/74, 4/1/82 & 5/9/83 included herein by reference.

DATE AND TITLE

ISSUING OFFICE (Grants Administration Office)	AWARD APPROVAL OFFICE
ORGANIZATION/ADDRESS Water Management Division Environmental Protection Agency, Region IV 345 Courtland Street Atlanta, Georgia 30365	ORGANIZATION/ADDRESS Regional Administrator Environmental Protection Agency, Region IV 345 Courtland Street Atlanta, Georgia 30365

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY		
SIGNATURE OF AWARD OFFICIAL <i>Charles R. Jeter</i>	TYPED NAME AND TITLE Charles R. Jeter, Regional Administrator	DATE NOV 29 1983

This Agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION		
SIGNATURE <i>Richard Hackett</i>	TYPED NAME AND TITLE Richard Hackett, Mayor	DATE 12/27/83

PART III-AWARD CONDITIONS

A. GENERAL CONDITIONS:

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter I, Subpart B. The recipient warrants, represents, and agrees that it, and its contractors, subcontractors, employees and representatives, will comply with: (1) all applicable provisions of 40 CFR Chapter I, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of Appendix A to 40 CFP Part 30, and (2) any special conditions set forth in this assistance agreement or any assistance amendment pursuant to 40 CFR 30.425.

B. SPECIAL CONDITIONS:

(For cooperative agreements include identification or summarization of EPA responsibilities that reflect or contribute to substantial involvement.)

1. No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607(a) of Public Law 96-74.
2. The grantee is still responsible for any grant conditions which have not been satisfied on any subsequent amendments or agreements.

U.S. ENVIRONMENTAL PROTECTION AGENCY ASSISTANCE AMENDMENT <i>(Optional)</i> (Please read instructions on reverse)		ASSISTANCE I.D. NO. C470386-01 AMENDMENT NO. 8
<p>NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within <u>3</u> weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.</p> <p>Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.</p>		
GENERAL INFORMATION		
APPROPRIATION AND ACCOUNTING DATA		
APPROPRIATION NUMBER	ACCOUNT NUMBER	OBJECT CLASS CODE
NO MONEY CHANGE		
DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.900 "PROJECT CHANGES AND ASSISTANCE MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL ASSISTANCE AMENDMENTS," THE ABOVE NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:		
<p>This amendment is necessary to extend the project/budget period from November 30, 1982 to April 30, 1984.</p> <p>No date reflected in the grant agreement, or in the project completion schedule, or extension of any such date, shall modify any compliance date established in an NPDES Permit. It is the grantee's obligation to request any required modification of applicable permit terms or other enforcement requirements.</p> <p>The grantee is still responsible for any conditions which have not been satisfied on any subsequent amendments or agreements. This amendment does not represent a change in funds.</p> <p>"No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607 (a) of Public Law 96-74."</p>		
AWARD APPROVAL OFFICE		ISSUING OFFICE
ORGANIZATION Water Management Division		ORGANIZATION Water Management Division
ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street Atlanta, Georgia 30365		ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street Atlanta, Georgia 30365
RECIPIENT ORGANIZATION		
NAME Memphis, Tennessee		ADDRESS 125 North Main Street Memphis, Tennessee 38103
Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY		
SIGNATURE OF AWARD OFFICIAL	TYPED NAME AND TITLE Paul J. Traina, Director Water Management Division	DATE JAN 11 1984
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION		
SIGNATURE	TYPED NAME AND TITLE Richard Hackett, Mayor	DATE

GENERAL INSTRUCTIONS FOR EPA FORM 5700-20B, ASSISTANCE AMENDMENT
(EPA Personnel Only)

Use of this Assistance Amendment. Required for all Assistance Amendments entered into pursuant to 40 CFR 30.900-1. This form is not applicable to fellowships.

Preparation of the Assistance Amendment.

The Assistance Amendment will be prepared by Grants Administration Division for Headquarters Assistance Amendments and by the Regional Grants Administration Office for regional awards.

All approved amounts should be rounded downward to the nearest dollar.

If an item is not applicable to the Assistance Agreement, place "N/A" in the corresponding block. **DO NOT LEAVE THIS BLANK.**

Amendments should be numbered consecutively under each award.

Transmittal. Upon approval of an amendment award and 5 days after the Grants Information Branch, PM-216, is notified, the amendment document will be transmitted by certified mail (*return receipt requested*) to the applicant for execution. An additional copy of the Assistance Amendment will be transmitted to the State agency for Wastewater Treatment Works Construction projects.

Return Address. The recipient should be instructed in the transmittal letter to return Headquarters Assistance Amendments to the Grants Operations Branch, Grants Administration Division, and regional Assistance Amendments to the Grants Administration Office of the appropriate regional office. It should be recommended that return transmittal be made by certified mail.

Distribution. The final distribution of the executed Assistance Amendment copies shall be performed by the Grants Administration Division for Headquarters awards and by the appropriate Grants Administration Office for regional awards.

PREPARATION INSTRUCTIONS BY ITEM

Appropriation and Accounting Data. Supply appropriation accounting and object class data as indicated.

Description of Amendment. Supply concise description of amendment indicating all deletions and additions to the Assistance Agreement. (*Use and attach additional sheets if necessary.*)

Example: Any change in the approved project work, approved budget, or the approved commencement and completion dates of the approved project or major phases thereof must be stated in the Assistance Amendment. Example: Assistance Amendment, Page 1, Part 1, Item 5, entitled "PROJECT MANAGER" is deleted in its entirety. The following Item 5, entitled "PROJECT MANAGER" is substituted in lieu thereof:

PROJECT MANAGER

- a. Name (*John Smith*)
- b. Title (*Project Manager*)
- c. Phone Number *123-4567*
- d. Address *100 Main St., Midtown, USA*

Award Approval Office. Indicate the EPA program organization title of the Award Approving Official and complete address.

Grants Administration Office. Indicate the Grants Administration Office (*Headquarters or Regional*) and complete address.

Recipient Organization. Indicate the legal organization title and complete address of the Recipient.

U.S. ENVIRONMENTAL PROTECTION AGENCY EPA ASSISTANCE AGREEMENT/AMENDMENT PART I - ASSISTANCE NOTIFICATION INFORMATION						1. AID TANCE ID NO. C4/0386-01-6		2. LOG NUMBER									
						3. DATE OF AWARD		4. MAILING DATE									
5. AGREEMENT TYPE Cooperative Agreement <input type="checkbox"/> Grant Agreement <input type="checkbox"/> Assistance Amendment <input type="checkbox"/>				6. PAYMENT METHOD <input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Letter of Credit _____ Send Payment Request To: <input checked="" type="checkbox"/> Financial Mgmt. Atlanta, GA Revision													
RECIPIENT ORGANIZATION	8. RECIPIENT City of Memphis 125 N. Main Street Memphis, TN 38103				9. PAYEE City of Memphis 125 N. Main Street Memphis, TN 38103												
	EIN NO. N/A		CONGRESSIONAL DISTRICT 06, 07, 08		10. RECIPIENT TYPE City												
	11. PROJECT MANAGER AND TELEPHONE NO. Maynard Stiles 901-528-2742				12. CONSULTANT (WWT Construction Grants Only) Pickering, Wooten, Smith, Weiss, Inc. 821 South Barksdale Memphis, TN 38114												
EPA CONTACT	13. ISSUING OFFICE (City/State) Water Management Division Environmental Protection Agency 345 Courtland Street Atlanta, GA 30365				14. EPA PROJECT/STATE OFFICER AND TELEPHONE NO. Joyce Churchwell, Health Administration Div. of Construction Grants & Loans 150 Ninth Avenue North Nashville, TN 37203 615-741-0638												
	15. EPA CONGRESSIONAL LIAISON & TEL. NO. Carolyn Brown		16. STATE APPL ID (Clearinghouse) Not available		17. FIELD OF SCIENCE N/A		18. PROJECT STEP (WWT CG Only) 1										
19. STATUTORY AUTHORITY PL 92-500 & Amendments		20. REGULATORY AUTHORITY 40CFR, Parts 30&35		21. STEP 2 + 3 & STEP 3 (WWT Construction Only) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>a. Treatment Level</td> <td>N/A</td> </tr> <tr> <td>b. Project Type</td> <td>N/A</td> </tr> <tr> <td>c. Treatment Process</td> <td>N/A</td> </tr> <tr> <td>d. Sludge Design</td> <td>N/A</td> </tr> </table>						a. Treatment Level	N/A	b. Project Type	N/A	c. Treatment Process	N/A	d. Sludge Design	N/A
a. Treatment Level	N/A																
b. Project Type	N/A																
c. Treatment Process	N/A																
d. Sludge Design	N/A																
22. PROJECT TITLE AND DESCRIPTION This amendment is necessary to change the scope of work to perform increased inflow detection & reduce infiltration detection. No increase in grant funds is required. This amendment also extends the project/bud period from December 30, 1981 to November 30, 1982.																	
23. PROJECT LOCATION (Areas Impacted by Project)																	
City/Place Memphis			County Shelby			State TN		Congressional District 060708									
24. ASSISTANCE PROGRAM (CFDA Program No. & Title) 66-418 Const. Grants for WWT				25. PROJECT PERIOD 10/7/74 - 12/30/81		26. BUDGET PERIOD 10/7/74 - 11/30/82											
27. COMMUNITY POPULATION (WWT CG Only) N/A			28. TOTAL BUDGET PERIOD COST N/A			29. TOTAL PROJECT PERIOD COST \$1,580,383											
FUND		FORMER AWARD		THIS ACTION		AMENDED TOTAL											
30. EPA Amount This Action		N/A															
31. EPA In-Kind Amount		N/A															
32. Unexpended Prior Year Balance		N/A															
33. Other Federal Funds		N/A															
34. Recipient Contribution		N/A															
35. State Contribution		N/A															
36. Local Contribution		N/A															
37. Other Contribution		N/A															
38. Allowable Project Cost		N/A															
39. FISCAL	Program Element	FY	Appropriation	Doc. Control No.	Account Number	Object Class	Obligation/Deoblig. Amount										
	N/A																

TABLE A - OBJECT CLASS CATEGORY (Non-construction)		TOTAL APPROVED ALLOWABLE BUDGET PERIOD COST	
1. PERSONNEL		N/A	
2. FRINGE BENEFITS			
3. TRAVEL			
4. EQUIPMENT			
5. SUPPLIES			
6. CONTRACTUAL			
7. CONSTRUCTION			
8. OTHER			
9. TOTAL DIRECT CHARGES			
10. INDIRECT COSTS: RATE % BASE			
11. TOTAL (Share: Recipient: _____% Federal: _____%)			
12. TOTAL APPROVED ASSISTANCE AMOUNT		\$	
TABLE B - PROGRAM ELEMENT CLASSIFICATION (Non-construction)		N/A	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12. TOTAL (Share: Recipient: _____% Federal: _____%)			
13. TOTAL APPROVED ASSISTANCE AMOUNT		\$	
TABLE C - PROGRAM ELEMENT CLASSIFICATION (Construction)		Previous	Revised
1. ADMINISTRATION EXPENSE		55,061	72,73
2. PRELIMINARY EXPENSE			
3. LAND STRUCTURES, RIGHT-OF-WAY			
4. ARCHITECTURAL ENGINEERING BASIC FEES		1,252,383	1,255,79
5. OTHER ARCHITECTURAL ENGINEERING FEES			
6. PROJECT INSPECTION FEES			
7. LAND DEVELOPMENT			
8. RELOCATION EXPENSES			
9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESSES			
10. DEMOLITION AND REMOVAL			
11. CONSTRUCTION AND PROJECT IMPROVEMENT			
12. EQUIPMENT		272,939	251,85
13. MISCELLANEOUS			
14. TOTAL (Lines 1 thru 13)		1,580,383	1,580,38
15. ESTIMATED INCOME (If applicable)			
16. NET PROJECT AMOUNT (Line 14 minus 15)		1,580,383	1,580,38
17. LESS: INELIGIBLE EXCLUSIONS			
18. ADD: CONTINGENCIES			
19. TOTAL (Share: Recipient: 25% Federal: 75%)		1,580,383	1,580,38
20. TOTAL APPROVED ASSISTANCE AMOUNT		\$1,185,287	1,185,28

PART III-AWARD CONDITIONS

a. GENERAL CONDITIONS

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter I, Subpart B. The recipient warrants, represents, and agrees that it, and its contractors, subcontractors, employees and representatives, will comply with: (1) all applicable provisions of 40 CFR Chapter I, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of Appendix A to 40 CFP Part 30, and (2) any special conditions set forth in this assistance agreement or any assistance amendment pursuant to 40 CFR 30.425.

b. SPECIAL CONDITIONS

(For cooperative agreements include identification or summarization of EPA responsibilities that reflect or contribute to substantial involvement.)

No date reflected in the grant agreement, or in the project completion schedule, or extension of any such date, shall modify any compliance date established in an NPDES Permit. It is the grantee's obligation to request any required modification of applicable permit terms or other enforcement requirements.

b. SPECIAL CONDITIONS (Continued)

PART IV

NOTE: The Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters awards and to the appropriate Grants Administrations Office for State and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the recipient subsequent to the document being signed by the EPA Award Official which the Award Official determines to materially alter the Agreement shall void the Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers assistance/amendment to the _____ N/A

for _____ % of all approved costs incurred up to and not exceeding \$ _____

RECIPIENT ORGANIZATION

ASSISTANCE AMOUNT

for the support of approved budget period effort described in application (including all application modifications)

included herein by reference.

DATE AND TITLE

ISSUING OFFICE (Grants Administration Office)

ORGANIZATION/ADDRESS

Water Management Division
Environmental Protection Agency, Reg. IV
345 Courtland Street
Atlanta, GA 30365

AWARD APPROVAL OFFICE

ORGANIZATION/ADDRESS

Water Management Division
Environmental Protection Agency Reg. IV
345 Courtland Street
Atlanta, GA 30365

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

DATE



Paul J. Traina, Director, Water Mgmt.

JUN 28 1982

This Agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

DATE



Wyeth Chandler, Mayor

ASSISTANCE AMENDMENT
(Optional)

(Please read instructions on reverse)

ASSISTANCE I.D. NO.

C470386-01-5

AMENDMENT NO.

5

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION DCN: T-40055

APPROPRIATION AND ACCOUNTING DATA

APPROPRIATION NUMBER

68X0103.B

ACCOUNT NUMBER

BG7H048008

OBJECT CLASS CODE

41.11

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.900 "PROJECT CHANGES AND ASSISTANCE MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL ASSISTANCE AMENDMENTS," THE ABOVE NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

Increase necessary for performance of Phase I of Nonconnah Sewer System Evaluation Survey:

Former Eligible Cost:	\$1,667,340	Former Award:	\$1,250,505
Change In Eligible Cost:	\$1,580,383	This Action:	\$1,185,287
Current Eligible Cost:	\$3,247,723	Amended Total:	\$2,435,792

This grant amendment provides funding for the work elements expected to be accomplished during the first year of a planned three year study.

APPROVED REVISED ELIGIBLE COST:

Atoka	\$ 7,619
Bartlett	\$ 113,000
Collierville	\$ 41,280
Germantown	\$ 40,000
Memphis	\$2,616,729
Millington	\$ 267,249
Munford	\$ 69,952
Shelby County	\$ 91,894
(including	
Cloverhaven)	
Total	\$3,247,723

(See attached sheet)

APPROVED REVISED PROJECT PERIOD:

Initiation: October 15, 1974
Completion: December 30, 1981

AWARD APPROVAL OFFICE

ORGANIZATION

Water Division

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

ISSUING OFFICE

ORGANIZATION

Water Division

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

RECIPIENT ORGANIZATION

NAME

City of Memphis

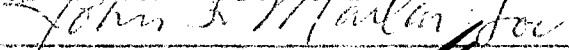
ADDRESS

City Hall
125 North Main Street
Memphis, Tennessee 38103

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL



TYPED NAME AND TITLE

Paul J. Traina, Director, Water Div.

DATE

9/12/80

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE



TYPED NAME AND TITLE

Wyeth Chandler, Mayor

DATE

10/7/80

C470386-01-5
Memphis, Tennessee

This change in eligible cost is budgeted as follows:

Engineering:

Pickering, Wooten, Smith, Weiss (Prime)	\$ 886,301
Gannett, Fleming, Corddry and Carpenter (Sub)	168,961
Hayden, Harding and Buchanan (Sub)	142,715
Polytech (Sub)	54,715
SUBTOTAL	<u>\$1,252,383</u>

City of Memphis:

Administrative	55,061
Equipment Acquisition	272,939
(Flow meters and rain gauges to be competitively bid)	
SUBTOTAL	<u>\$ 328,000</u>
TOTAL	<u>\$1,580,383</u>



U. S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C. 20460

NOTIFICATION OF ASSISTANCE AWARD ACTION—Construction

(Note: Awards are subject to declination by applicant)

1. EPA OFFICE OF LEGISLATION CONTACT Pat Gaskins		TELEPHONE (202) 755-0488	2. ASSISTANCE AGREEMENT/AMENDMENT TO BE MAILED TO APPLICANT ON OR AFTER Sept. 18, 1980	
3. ISSUING OFFICE EPA, Region IV Atlanta, GA 30308			4. LOG NUMBER Four-C-878	5. DATE OF AWARD Sept. 11, 1980
6a. COMMUNITY REP OR PROJ DIRECTOR (Name, Title, Telephone) Wyeth Chandler, Mayor 901-534-9611			7. RECIPIENT (Name, Street, City, State, ZIP Code, County, Cong. Dist.) City of Memphis 125 North Main St. Memphis, TN 38103 County: Shelby Congressional Dist: 6 & 8	
6b. CONSULTANT (Name, City and State) Allen & Hoshall, Inc. Memphis, TN 38103				
8. PROJECT LOCATION (Areas impacted by project)				
CITY/PLACE		COUNTY	STATE	CONGRESSIONAL DISTRICT
				9. RECIPIENT TYPE Municipality
				13a. EIN CODE

21,177

1

Robert Jourdan, Chief SC/TN Section Construction Grants Mgmt. Branch 404-881-2005		CATION NUMBER C470386-01-5	ACTION Increase (Rev.)
17. PROJECT PERIOD		18. BUDGET PERIOD	
19. ASSISTANCE PROGRAM Wastewater Treatment Construction Works CFDA Program No. 66. 418		20. ASSISTANCE MAKING AUTHORITY (P.L. Title, Section) P.L. 92-500, Title II, Section 201	
21. AMENDED OF THNED RS	FORMER AWARD \$	22. TOTAL PROJECT COST \$	25. FORMER ELIGIBLE COST \$ 1,667,340
	THIS ACTION \$	23. TOTAL BUDGET COST \$	CHANGE IN ELIGIBLE COST \$ 1,580,383
	AMENDED TOTAL \$	24. UNEXPENDED PRIOR YR. BAL. \$	CURRENT ELIGIBLE COST \$ 3,247,723
			26. FORMER AWARD \$ 1,250,505
			THIS ACTION \$ 1,185,287 <i>al</i>
			AMENDED TOTAL \$ 2,435,792

27. PROJECT TITLE AND DESCRIPTION

Increase necessary for performance of Phase I of Nonconnah Sewer System Evaluation Survey.

28. OTHER INFORMATION

75% Grant

050-1

00470386-01

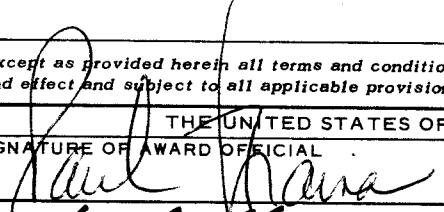
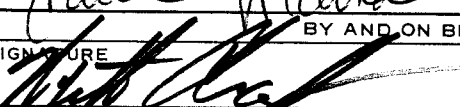
47-157-1620

G09128

29.

FISCAL DATA

PROGRAM ELEMENT	FY	APPROPRIATION	DOCUMENT CONTROL NO.	ACCOUNT NO.	OBJ CL	OBLIG AMT
G7HB80	79	68X0103.B	T-40055	BG7H048008	41.11	1,185,287

U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT AMENDMENT (Optional) (Please read instructions on reverse before completing)		GRANT NO. C470386-01-4 AMENDMENT NO. 4																																								
<p>NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Grant Amendment by the parties thereto.</p> <p>Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Grant Amendment by EPA.</p>																																										
Program Element: G7CD80 GENERAL INFORMATION DCN: T40001																																										
APPROPRIATION AND ACCOUNTING DATA																																										
APPROPRIATION NUMBER 68X0103.7	ACCOUNT NUMBER BG7C048008	OBJECT CLASS CODE 4111																																								
DESCRIPTION OF AMENDMENT: PURSUANT TO EPA GRANT REGULATION 40 CFR 30.900 "PROJECT CHANGES AND GRANT MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL GRANT AMENDMENTS," THE ABOVE NUMBERED GRANT AGREEMENT IS AMENDED AS FOLLOWS:																																										
<p>Increase necessary due to a change in scope to include the studies necessary to conduct facilities planning for the coincineration project under EPA's proposed policy concerning multi-purpose project funding.</p>																																										
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Former Eligible Cost:</td> <td style="width: 33%;">\$ 355,994</td> <td style="width: 33%;">Former Award:</td> <td style="width: 33%;">\$ 641,996</td> </tr> <tr> <td>Change In Eligible Cost:</td> <td>\$ 811,346</td> <td>This Action:</td> <td>\$ 608,509</td> </tr> <tr> <td>Current Eligible Cost:</td> <td>\$1,667,340</td> <td>Amended Total:</td> <td>\$1,250,505</td> </tr> </table>			Former Eligible Cost:	\$ 355,994	Former Award:	\$ 641,996	Change In Eligible Cost:	\$ 811,346	This Action:	\$ 608,509	Current Eligible Cost:	\$1,667,340	Amended Total:	\$1,250,505																												
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Change In Eligible Cost:	\$ 811,346	This Action:	\$ 608,509																																							
Current Eligible Cost:	\$1,667,340	Amended Total:	\$1,250,505																																							
<u>APPROVED REVISED ELIGIBLE COST:</u>																																										
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Atoka</td> <td style="width: 33%;">\$ 7,619</td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> <tr> <td>Bartlett</td> <td>113,000</td> <td></td> <td></td> </tr> <tr> <td>Collierville</td> <td>41,280</td> <td></td> <td></td> </tr> <tr> <td>Germantown</td> <td>40,000</td> <td></td> <td></td> </tr> <tr> <td>Memphis</td> <td>1,036,346</td> <td></td> <td></td> </tr> <tr> <td>Millington</td> <td>267,249</td> <td></td> <td></td> </tr> <tr> <td>Munford</td> <td>69,952</td> <td></td> <td></td> </tr> <tr> <td>Shelby County</td> <td></td> <td></td> <td></td> </tr> <tr> <td>(including Clover-</td> <td>91,894</td> <td></td> <td></td> </tr> <tr> <td>haven)</td> <td><u>\$1,667,340</u></td> <td></td> <td></td> </tr> </table>			Atoka	\$ 7,619			Bartlett	113,000			Collierville	41,280			Germantown	40,000			Memphis	1,036,346			Millington	267,249			Munford	69,952			Shelby County				(including Clover-	91,894			haven)	<u>\$1,667,340</u>		
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(Continued on attached sheet)																																										
AWARD APPROVAL OFFICE		ISSUING OFFICE																																								
ORGANIZATION Water Division		ORGANIZATION Water Division																																								
ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308		ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308																																								
GRANTEE ORGANIZATION																																										
NAME City of Memphis		ADDRESS City Hall 125 North Main Street Memphis, Tennessee 38103																																								
Except as provided herein all terms and conditions of the basic grant agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter 1, Subpart B.																																										
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY																																										
SIGNATURE OF AWARD OFFICIAL 	TYPED NAME AND TITLE Paul J. Traina, Director, Water Div.	DATE OCT 19 1979																																								
BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATION																																										
SIGNATURE 	TYPED NAME AND TITLE Wyeth Chandler, Mayor	DATE																																								

RECEIVED
OFFICE
JUL 18 5 32 PM '78
MEMPHIS

C470386-01-4
Memphis, Tennessee

SPECIAL CONDITION:

The engineering costs associated with this grant increase are subject to audit.

APPROVED REVISED PROJECT PERIOD:

Initiation: October 15, 1974
Completion: February 1, 1980

PROPOSED REVISED PAYMENT SCHEDULE:

FY 80	1st Quarter	\$700,000
	2nd Quarter	\$169,893

Payments made to Date: \$380,612

GRANT AMENDMENT

(Optional)

(Please read instructions on reverse before completing)

GRANT NO.
C470386-01-3AMENDMENT NO.
3

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Grant Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Grant Amendment by EPA.

GENERAL INFORMATION

APPROPRIATION AND ACCOUNTING DATA DCN: T-40004

APPROPRIATION NUMBER

68X0103.B

ACCOUNT NUMBER

9-879048008

OBJECT CLASS CODE

4111

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA GRANT REGULATION 40 CFR 30.900 "PROJECT CHANGES AND GRANT MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL GRANT AMENDMENTS," THE ABOVE NUMBERED GRANT AGREEMENT IS AMENDED AS FOLLOWS:

Increase necessary for performance of Phases I and II of a Sewer System Evaluation Survey for Cloverhaven as outlined in the Infiltration-Inflow Analysis and contract documents.

Former Eligible Cost: \$824,453
Change In Eligible Cost: \$ 31,541
Current Eligible Cost: \$855,994

Former Award: \$618,340
This Action: \$ 23,656
Amended Total: \$641,996

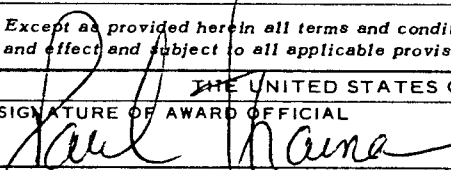
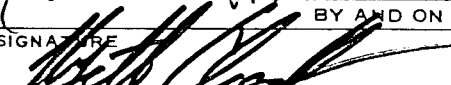
APPROVED REVISED PROJECT PERIOD:

Initiation: October 15, 1974
Completion: February 1, 1980

SPECIAL CONDITIONS:

- Existing flow monitoring equipment at the treatment plant and/or pump station(s) must be calibrated and maintained in good working order. Appropriate flow monitoring data consistent with the capability of existing facilities must be recorded by the grantee during the conduct of the SSES and subsequent rehabilitation.

(Continued on attached sheet)

AWARD APPROVAL OFFICE		ISSUING OFFICE	
ORGANIZATION Water Division		ORGANIZATION Water Division	
ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308		ADDRESS Environmental Protection Agency, Region I 345 Courtland Street, N.E. Atlanta, Georgia 30308	
GRANTEE ORGANIZATION			
NAME City of Memphis		ADDRESS City Hall 125 North Main Street Memphis, Tennessee 38103	
Except as provided herein all terms and conditions of the basic grant agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
SIGNATURE OF AWARD OFFICIAL 		TYPED NAME AND TITLE Paul J. Traina, Director, Water Div.	
BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATION		DATE MAY 7 1979	
SIGNATURE 		TYPED NAME AND TITLE Wyeth Chandler, Mayor	
		DATE	

U.S. ENVIRONMENTAL PROTECTION AGENCY		GRANT NO.
GRANT AMENDMENT (Optional)		C470386-01-2
(Please read instructions on reverse before completing)		AMENDMENT NO.
		2

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Grant Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in termination of consideration of the Grant Amendment by EPA.

GENERAL INFORMATION T40003		
APPROPRIATION AND ACCOUNTING DATA		
APPROPRIATION NUMBER	ACCOUNT NUMBER	OBJECT CLASS CODE
68X0103.A	Y779048008	4111
DESCRIPTION OF AMENDMENT: PURSUANT TO EPA GRANT REGULATION 40 CFR 30.900 "PROJECT CHANGES AND GRANT MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL GRANT AMENDMENTS," THE ABOVE NUMBERED GRANT AGREEMENT IS AMENDED AS FOLLOWS:		

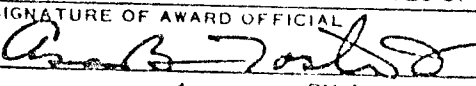

Increase necessary to perform a Sewer System Evaluation Survey for the Towns of Munford and Bartlett.

Former Eligible Cost:	\$658,053	Former Award:	\$493,540
Change In Eligible Cost:	\$166,400	This Action:	\$124,800
Current Eligible Cost:	\$824,453	Amended Total:	\$618,340

SPECIAL CONDITIONS:

1. Following the Physical Survey and Rainfall Simulation Phases of the Sewer System Evaluation Survey and prior to beginning preparatory cleaning and internal inspection, an interim report must be submitted and approved by the Environmental Protection Agency.
2. The Grantee ensures that continuous flow monitoring data will be maintained at the treatment plant during the life of the project.

(See attached for payment schedule)

AWARD APPROVAL OFFICE		ISSUING OFFICE	
ORGANIZATION Water Division		ORGANIZATION Water Division	
ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308		ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308	
GRANTEE ORGANIZATION			
NAME City of Memphis		ADDRESS Room 602, City Hall 125 North Main Street Memphis, Tennessee 38103	
Except as provided herein all terms and conditions of the basic grant agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
SIGNATURE OF AWARD OFFICIAL 		TYPED NAME AND TITLE Asa B. Foster, Jr., Dir., Water Div.	
		DATE OCT 26 1978	
BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATION			
SIGNATURE 		TYPED NAME AND TITLE Wyeth Chandler, Mayor	
		DATE 11-22-78	

U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT AMENDMENT (Optional) (Please read instructions on reverse before completing)	GRANT NO. C470386-01-1 AMENDMENT NO. 1
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NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Grant Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Grant Amendment by EPA.

GENERAL INFORMATION		
APPROPRIATION NUMBER	APPROPRIATION AND ACCOUNTING DATA	OBJECT CLASS CODE
68X0103.9	ACCOUNT NUMBER X765048008	4111

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA GRANT REGULATION 40 CFR 30.900 "PROJECT CHANGES AND GRANT MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL GRANT AMENDMENTS," THE ABOVE NUMBERED GRANT AGREEMENT IS AMENDED AS FOLLOWS:

Increase necessary to accomplish a Sewer System Evaluation Survey for the City of Millington, Tennessee

Former Eligible Cost: \$456,804	Former Award: \$342,603
Change in Eligible Cost: 201,249	This Action: 150,937 ✓
Current Eligible Cost: 658,053	Amended Total: 493,540

REVISED PAYMENT SCHEDULE FOR REMAINDER OF GRANT

FY 78	1st Quarter	\$51,788
FY 78	2nd Quarter	51,788
FY 78	3rd Quarter	51,787
FY 78	4th Quarter	51,787

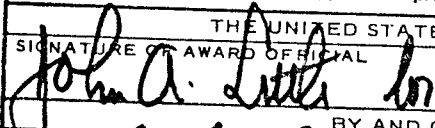
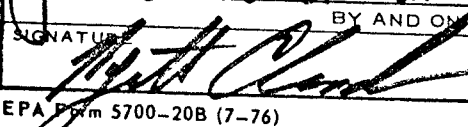
DEC 1 3 23 PM '77
 EPA/REGION IV
 FINANCIAL MANAGEMENT BRANCH

SPECIAL CONDITION

Following the Physical Survey and Rainfall Simulation Phases of the Sewer System Evaluation Survey and prior to beginning preparatory cleaning and internal inspection an interim report must be submitted and approved by the Environmental Protection Agency.

AWARD APPROVAL OFFICE		ISSUING OFFICE	
ORGANIZATION Regional Administrator ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, GA 30308	ORGANIZATION Water Division ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, GA 30308		
GRANTEE ORGANIZATION			
NAME City of Memphis	ADDRESS City Hall 125 North Main Street Memphis, TN 38103		

Except as provided herein all terms and conditions of the basic grant agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter 1, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
SIGNATURE OF AWARD OFFICIAL	TYPED NAME AND TITLE	NOV - 7 1977	
	John C. White, Regional Administrator		
SIGNATURE	TYPED NAME AND TITLE	NOV 30 1977	
	Wyeth Chandler, Mayor		

[illegible]

U.S. ENVIRONMENTAL PROTECTION AGENCY

GRANT AGREEMENT

(See instructions before completing form.)

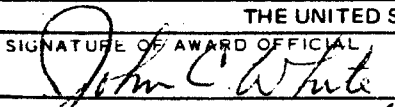
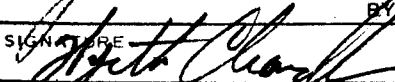
GRANT NO.

C470386-01-0

NOTE: The Grant Agreement must be completed in duplicate and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance grant awards within 3 weeks after receipt or within any extension of time as may be granted by EPA. Except as may be otherwise provided, no costs may be incurred prior to the execution of the Grant Agreement by parties thereto.

Receipt of a written refusal, failure to return the properly executed document within the prescribed time, will result in the automatic termination of consideration of the grant offer by the Agency. Any amendment to the Grant Agreement by the grantee subsequent to the document being signed by the Award Official shall void the Grant Agreement.

PART I GENERAL INFORMATION			
1 GRANT ADMINISTRATION DATA		2 APPROPRIATION AND ACCOUNTING DATA	
A. STATUTE REFERENCE PL 92-500 86 Stat	B. REGULATION REFERENCE Title II Sec 201	A. APPROPRIATION 68X0103	B. ACCOUNT NUMBER P-364048BV8
C. GRANT PROGRAM Wastewater Treatment		C. OBJECT CLASS CODE 41.11	D. COMMITMENT NUMBER T 40017
3. AWARD APPROVAL OFFICE		4. ISSUING OFFICE	
A. ORGANIZATION Environmental Protection Agency		A. ORGANIZATION Office of Water Programs	
B. ADDRESS 1421 Peachtree Street, NE Atlanta, GA 30309		B. ADDRESS 1421 Peachtree Street, N.E. Atlanta, GA 30309	
5. PROJECT OFFICER (Federal Contact)			
A. NAME Jerry L. Dause		D. ADDRESS EPA, Region IV 1421 Peachtree Street, N.E. Atlanta, GA 30309	
B. TITLE Acting Project Officer			
C. TELEPHONE NUMBER (Include Area Code) 404-526-3633			
6. GRANTEE ORGANIZATION			
A. NAME City of Memphis		D. ADDRESS City Hall 125 North Main Street Memphis, TN 38103	
7. PROJECT MANAGER (Grantee Contact)			
A. NAME Wyeth Chandler		D. ADDRESS City Hall 125 North Main Street Memphis, Tennessee 38103	
B. TITLE Mayor			
C. TELEPHONE NUMBER (Include Area Code) 901-528-2800			
8. AMOUNT		9. DURATION	
A. APPROVED GRANT AMOUNT (The total approved grant amount of Part I, 8 (a) shall be equal to the total approved grant amount of Part II.)	342,603	A. APPROVED BUDGET PERIOD 10-3-74 - 3-15-76	
B. UNEXPENDED PRIOR YR. BALANCE		B. ESTIMATED Project Period	
C. CURRENT YEAR OBLIGATION	342,603 ✓	10-3-74 - 3-15-76	
D. ESTIMATED PROJECT COST	456,804		
10. PAYMENT METHOD		11. PAYEE	
<input checked="" type="checkbox"/> REIMBURSEMENT <input type="checkbox"/> ADVANCE		A. TITLE City of Memphis	
OTHER Address Payment Requests To Financial Management Branch, Region IV, Atlanta, GA		B. ADDRESS City Hall 125 North Main Street Memphis, TN 38103	

PART II		APPROVED BUDGET	
TABLE A - COST CATEGORY CLASSIFICATION (Non-construction)		APPROVED ALLOWABLE BUDGET PERIOD COST	APPROVED GRANT AMOUNT
1. PERSONNEL			
2. FRINGE BENEFITS			
3. TRAVEL			
4. EQUIPMENT			
5. SUPPLIES			
6. CONTRACTUAL PERSONAL SERVICES			
7. CONSTRUCTION			
8. OTHER			
9. TOTAL DIRECT COSTS			
10. INDIRECT COSTS RATE _____ % BASE		NA	
11. TOTAL (Share: Grantee _____ % Federal _____ %)			
TABLE B - PROGRAM ELEMENT CLASSIFICATION (Non-construction)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.		NA	
9.			
10.			
11.			
TABLE C - PROGRAM ELEMENT CLASSIFICATION (Construction)		Step 1	Step 1
ADMINISTRATION EXPENSE		45,000.00	33,750.00
LAND, STRUCTURES, RIGHT-OF-WAY			
ARCHITECTURAL ENGINEERING FEES		411,804.00	308,853.00
OTHER ARCHITECTURAL ENGINEERING FEES			
CONSTRUCTION AND PROJECT IMPROVEMENT COSTS			
EQUIPMENT			
CONTINGENCIES			
RELOCATION PAYMENTS			
INDIRECT COSTS			
TOTALS (Share: Grantee _____ % Federal <u>75</u> % State _____ %)		456,804.00	342,603.00
NOTE: The cost share agreement set forth in the subject document shall be applicable to the total of all cost category/program element classifications only.			
PART III OFFER AND ACCEPTANCE			
The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers a grant to the <u>City of Memphis</u> for <u>75</u> % of all approved costs up to and not exceeding \$ <u>342,603.00</u> for the support of approved budget period effort described in application (including all application modifications) <u>Construction Grant Application, dated May 7, 1974</u> included herein by reference.			
This Grant Agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions, grant regulations (40 CFR, Chapter I, Subchapter B) and of the provisions of this agreement (Parts I thru IV). The Grantee Organization also agrees that funds awarded will be used solely for the purposes of the project as approved.			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
SIGNATURE OF AWARD OFFICIAL	TYPED NAME AND TITLE	DATE	
	Jack E. Ravan, Regional Administrator	10/7/74	
BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATIONS			
SIGNATURE	TYPED NAME AND TITLE	DATE	
	WYETH CHANDLER, MAYOR	11/5/74	

PART IV

GRANT AGREEMENT

C470386-01-0
Memphis

DESCRIPTION:

Step 1 Grant

The proposed project involves the preparation of a Facilities Plan for wastewater treatment facilities to serve the planning area designated under Section 201 of the Federal Water Pollution Control Act Amendments of 1972.

PAYMENT SCHEDULE:

FY 75 - 4th Qtr - \$ 25,421 - Payment based upon completion of the Land Use and Population Studies.

FY 76 - 1st Qtr - \$161,379 - Payment based upon completion of the Inventory of Systems and Systems Analysis.

FY 76 - 2nd Qtr - \$117,527 - Payment based upon completion of Analysis of Alternatives and completion of Plan Selection and Implementation.

FY 76 - 3rd Qtr - \$ 38,276 - Payment based upon completion of the Financial Study and Facilities Plan Report.

SPECIAL CONDITIONS:

All subagreements will be subject to EPA approval prior to execution.

STANDARD CONDITIONS:

See Attached.

STANDARD CONDITIONS

P.L. 92-500 - TITLE II

STEP 1 GRANT

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

1. Acceptance of this grant offer by the grantee constitutes a commitment by the grantee to comply with all provisions of 40 CFR Part 35, Subpart E and 40 CFR Part 30 Subpart C where applicable, Title VI of the Civil Rights Act of 1964 and Executive Order 11246, 9/25/65 (30 F.R. 12319) and to applicable rules, regulations, and procedures prescribed pursuant thereto.
2. "All contracts or subcontracts related to this grant project (including contracts for personal or professional services) must include a clause which allows access to the records of contractors and subcontractors by the Comptroller General of the United States for the purpose of inspection and audit".
3. Payments for project work will be paid in accordance with the schedule of payments subject to congressional appropriations and availability of funds.

ENVIRONMENTAL PROTECTION AGENCY

Commitment Notice

NOTE: Preparation and approval of this form does not constitute an obligation of money. The use of this form is intended to guarantee availability of money by reserving it for certain types of specified transactions.

This commitment transaction in the amount of \$ 342,603 is for:

(whole dollars)

(☒) A Grant (Number C470386-01-0)

(☐) A Purchase Requisition

(☐) A Contract

(☐) Payroll for the Quarter Beginning

(☐) July 1, 19__

(☐) October 1, 19__

(☐) January 1, 19__

(☐) April 1, 19__

(☐) Other (Specify below)

SPECIAL COMMENTS OR INSTRUCTIONS:

MEMPHIS, TENNESSEE

The amount of money shown above is:

(☒) An original commitment

(☐) An increase to a previous commitment

(☐) A decrease to a previous commitment

Responsibility Center: Office of Water Programs

Prepared by: Name V. Busing

Date 9-12-74

Phone 3555

Approved by: Signature J.R. Franzmathes, Dir, Offc of

Date 9-12-74 Watr Progs

Phone 5026

FINANCIAL DATA: (See instructions on reverse of this form before filling out)

Appropriation: _____

FMO USE														DOCUMENT CONTROL NUMBER						ACCOUNT NUMBER										OBJECT CLASS				DOLLAR AMOUNT																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
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INSTRUCTIONS FOR COMPLETING COMMITMENT NOTICE FINANCIAL DATA

Responsibility Center:

1. Enter the document control number in blocks 15 thru 20
2. Enter the account number in blocks 31 thru 40
3. Enter the two-digit major object class in blocks 41 and 42 (If more than one major Object Class is needed, you must fill out more than one line of financial data)
4. Enter the dollar amount in whole dollars (ignoring cents) in spaces 45 thru 54. (e.g. \$98 is entered as 0000000098, not as 9800000000; \$45,000 is entered as 0000045000; etc.)
5. Enter the appropriation symbol in the blank space immediately above the account number

Financial Management Office:

1. Insert your finance office identifier in blocks 2 and 3
2. Enter the date processed in blocks 4 thru 9
3. Enter the proper reverse code in block 13
4. Check blocks 15 thru 54 for completeness before keypunching

AT WASHINGTON
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FEDERAL SPONSORING AGENCY AND ORGANIZATION WHICH THIS REPORT IS SUBMITTED

REGIONAL ELEMENT TO

FEDERAL GRANT OR CONTRACT IDENTIFYING NUMBER BY FEDERAL AGENCY
C470247 -- 01

NEED

PARTIAL PAYMENT REQUEST NO.

ENVIRONMENTAL PROTECTION AGENCY

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER

PERIOD COVERED BY THIS REPORT

FROM (Month, day, year)

TO (Month, day, year)
4/30/87

9. RECIPIENT ORGANIZATION

Name : CITY OF MEMPHIS

No. and Street : 125 NORTH MAIN STREET, CITY HALL

City, State and ZIP Code : MEMPHIS, TENNESSEE 38103

10. PAYEE (Where check should be sent if different than item 9)

Name : ~~67399~~ 67567

No. and Street : ~~062587U~~ 062587V

City, State and ZIP Code :

11.

STATUS OF FUNDS

CLASSIFICATION	PROGRAMS—FUNCTIONS—ACTIVITIES			TOTAL
	(a)	(b)	(c)	
a. Administrative expense	\$ 170,848.00	\$	\$	\$ 170,848.00
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees	3,534,674.00			3,534,674.00
e. Other architectural engineering fees	159,915.00			159,915.00
f. Project inspection fees	337,766.00			337,766.00
g. Land development				
h. Relocation expense			97%	
i. Relocation payments to individuals and businesses				
j. Demolition and removal				
k. Construction and project improvement cost	86,646,677.00			86,646,677.00
l. Equipment				
m. Miscellaneous cost	383,327.00			383,327.00
n. Total cumulative to date (sum of lines a thru m)	91,233,207.00			91,233,207.00
o. Deductions for program income				
p. Net cumulative to date (Line n minus line o)	91,233,207.00			91,233,207.00
q. Federal share to date	50,178,264.00			50,178,264.00
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal share (sum of lines q and r)	50,178,264.00			50,178,264.00
t. Federal payments previously requested	50,070,829.00			50,070,829.00
u. Amount requested for reimbursement	\$ 107,435.00	\$	\$	\$ 107,435.00
v. Percentage of total construction cost		%	%	%

DATE REPORT SUBMITTED

DATE REPORT SUBMITTED

JUL 13 1994

REF: 4WM-MF

Mr. Jim Poff, Deputy Director
TN Division of Construction Grants
and Loans
8th Floor, L & C Annex
401 Church Street
Nashville, Tennessee 37243-1533

RE: Memphis, Tennessee
C470386-03

Dear Mr. Poff:

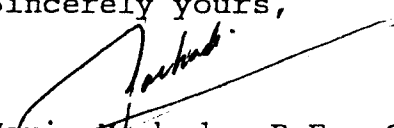
This is in response to the June 22, 1994, letter from Jerry R. Collins, Jr., Administrator and Environmental Engineer for the City of Memphis, concerning the final audit report and the exclusion of the North Plant HVAC modifications contract from the above referenced grant.

Mr. Collins submitted enough documentation to justify the City's position concerning the above referenced exclusion. I have reviewed the material submitted and have determined that the auditors did not cover in their audit the last contract under the above referenced grant, for the total amount of \$204,751.

The City should submit to the State a grant increase for the total amount of \$204,751, including a time extension covering the period up to April 26, 1990, for your review and approval. At that time, the City should also submit a final payment request, for the total eligible amount of \$18,939,515.00, with a federal participation of \$14,703,706.00, however the City will receive \$106,407.00, which is \$204,751 minus \$98,344 owed to EPA.

If I can be of further assistance, please do not hesitate to contact me or Roger DeShane at (404) 347-3633.

Sincerely yours,


Mario Machado, P.E., Chief
State Program Operations Unit
Construction and Program
Management Section
Municipal Facilities Branch

cc: City of Memphis - Jerry R. Collins

RDeShane/hdh/7-12-94/memphistn.hdh/disk#3

DeSHANE

MACHADO

REGION IV
EPA GRANTS ACCOUNTS RECEIVABLE CONTROL NUMBER FORM
=====

TO BE COMPLETED BY ORIGINATING OFFICE:

This form was originated by: Bill Logan [Name] 5/3/94 [Date]
in the OM/6AAMC [Office] 347-2200 [Telephone Number]

This is an original debt
PAYER: Memphis TN (Name of person and/or Company/Municipality making the payment)
This is a modification
C470247-01=7/992 /Grant # C470386-01=2549 /Audit # 1300093
C470386-02=2394
The Total Dollar Amount of Receivable \$ 98,344
(If in installments, attach schedule of amounts and respective due dates)
C470386-03=214

=====

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts receivable Control Number is: W2012T
If you have any questions call: Peggy Whitney [Name of Contact] 6/23/92 [Date] Modified 5/18/94
in the Financial Management Office, Phone number: FTS 257-3278 Commercial 347-3278

=====

The following amount has been received in the Financial Management Office on _____ and is available for decrease:

Grant #	DCN #	Account #	Amount

[Handwritten signature and date 9/27/94 are present over the table]

=====

TO BE COMPLETED BY GRANTS MANAGEMENT OFFICE:

Copy to State Agency and Grants Specialist on _____ . Refer any questions to _____ at (404) 347-~~2200~~ 2200.

Reconciled By: [Signature]
Date: 7/28/94 8/16/94 7/16/94



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

4PM-CGA

MAY 04 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Benny O. Lendermon, P. E., Director
Division of Public Works
City of Memphis
125 North Main - Room 608
Memphis, TN 38130-2091

Re: Dispute Review Under EPA Construction Grant Nos.
C470247-01, and C470386-01, 02 & 03;
Docket No. 04-92-AD09

Final Decision of the Regional Administrator

Dear Mr. Lendermon:

On May 2, 1994, a copy of the Regional Administrator's Final Decision was sent to you outlining the results on the referenced review and indicating the final grant calculations would follow. These grant calculations are attached as Attachments 1, 2, 3, 4, 5 and 6.

The final grant calculations indicate that a balance of \$98,344, plus interest on this amount at 6% from July 10, 1992 to May 2, 1994, in the amount of \$10,243, for a grand total of \$108,587, is due and payable immediately to EPA.

The City of Memphis should immediately remit a check to EPA in the amount of \$108,587 made payable to the U. S. Environmental Protection Agency with the grant number on the check. This check must be sent to the U. S. Environmental Protection Agency, Region IV, P. O. Box 100142, Atlanta, Georgia 30384, within thirty days from the date of this letter. Please be advised that if the total balance due EPA has not been received within the thirty day period, interest will continue to accrue at the rate of 6.0% per annum on the total amount due from thirty days after the date of the Final Determination Letter, which was June 10, 1992.

If you have any questions on any of the above instructions please contact Mr. Bill Rogers of my staff at (404) 347-2200.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Springer".

Ed Springer, Chief
Grants Policy & Audit Management Unit

Enclosures

cc: TNDEC
Christopher Rissetto, Attorney

ATTACHMENT 1

FINAL GRANT CALCULATION FOR CONSTRUCTION GRANT NO. C470247-01

(Part I)

Effluent Pump Station	\$ 1,726,959
Electrical Reliability	1,553,067
Nonconnah 1	3,300,647
Nonconnah 2	2,515,152
Nonconnah 3	3,817,226
Nonconnah 4	2,029,420
Nonconnah 5	1,594,786
Nonconnah Extension	649,238
Hurricane Creek	147,819
1 B Flow Metering	19,492
1 D South Pumping Station	2,758,930
1 D South Plant	14,946,908
North Plant	39,323,573
Loosahatchie Interceptor 1	5,365,265
Loosahatchie Interceptor 2	2,922,264
Loosahatchie Interceptor 3	<u>3,876,398</u>
Eligible Unclaimed Costs	7,322
Total	\$86,554,466
Federal Share @ 55%	\$47,604,956
EPA payments	<u>47,655,672</u>
BALANCE DUE EPA	\$ 50,716

ATTACHMENT 2

FINAL GRANT CALCULATION FOR CONSTRUCTION GRANT NO. C470247-01

(Part II)

A/E Basic Fees

Nonconnah 1 - 5	\$ 387,400
South Plant	736,729
North Plant	1,685,053
Loosahatchie Interceptor	505,925
Electrical Reliability	68,052
Effluent Pump Station	112,833
Engineering - Inside	159,915
Inspection - Inside	337,766
Alternative Power Source	383,327
Administrative Expense	<u>170,848</u>
Total	\$4,547,848
Federal Share @ 55%	\$2,501,316
EPA payments	<u>2,522,592</u>
BALANCE DUE EPA	\$ 21,276

ATTACHMENT 3

FINAL GRANT CALCULATION FOR CONSTRUCTION GRANT NO. C470386-01

Administrative Expense	\$ 72,733
A/E Basic Fees	
Atoka Big Creek Update	9,700
Munford SSES	37,568
Cloverhaven	31,541
Memphis SSES	1,299,079
201 Study	1,220,079
Millington SSES	180,973
Bartlett SSES	98,785
Equipment	<u>251,851</u>
Total	\$3,202,309
Federal Share @ 75%	\$2,401,732
EPA payments	<u>2,404,281</u>
BALANCE DUE EPA	\$ 2,549

ATTACHMENT 4

FINAL GRANT CALCULATION FOR CONSTRUCTION GRANT NO. C470386-02

Basic Fees

Company A - Phase A	\$ 675,932
Company A - Phase B	597,738
Company A - Term. Agmt.	182,994
Company B - Memphis State	40,341
Value Engineering	<u>20,044</u>
Total	\$1,517,049
Federal Share @ 85%	\$1,289,492
EPA payments	<u>1,291,886</u>
BALANCE DUE EPA	\$ 2,394

ATTACHMENT 5

FINAL GRANT CALCULATIONS FOR CONSTRUCTION GRANT NO. C470386-03

(Part I)

	<u>10%</u>	<u>75%</u>
Basic Engineering	\$ 431,871	\$ 965,356
Other A/E Fees	891,049	891,049
Construction:		
Primary Clarifiers		6,805,999
Admin. Bldg. Mods		734,374
Computer Mods		646,339
Secondary Treatment Mods	7,549,690	7,549,690
Equipment		<u>217,059</u>
Total	\$8,872,610	\$ 17,809,866
Federal Share	887,261	13,357,400
EPA payments	<u>887,261</u>	<u>13,377,391</u>
BALANCE DUE EPA	-0-	\$ 19,991

ATTACHMENT 6

FINAL GRANT CALCULATION FOR CONSTRUCTION GRANT NO. C470386-03

(Part II)

Basic Fees

Company B	\$ 17,469
Other A/E Fees - Force Account Surveying	-0-
Construction and Project Improvement - Site Preparation	<u>256,513</u>
Total	\$ 273,982
Federal Share @ 85%	\$ 232,885
EPA payments	<u>234,303</u>
BALANCE DUE EPA	\$ 1,418



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

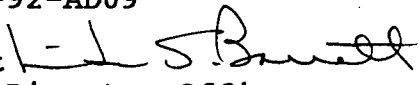
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

MAY 02 1994

4PM-CGA

MEMORANDUM

SUBJECT: Notice of Disputes Review Decision
RE: MEMPHIS, TN.
Docket No. 04-92-AD09

FROM: Linda S. Barrett 
Regional Grants Disputes Officer

TO: See Below

The subject disputes review decision is attached for your information and action. The final grant calculation will be sent under separate cover shortly.

Grant Numbers: C470247-01 and C470386-01, 02, & 03

Audit Report Number: S2cWN8-04-0309-1300093

Under Separate Cover:
Final Grant Calculation

Addressees:

Mario Machado, WMD
Carol Williams, FMS
Mary Boyer, OIG
Bill Rogers, GPAMU
M.Jackson/D.Hawkins, Grants



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

4PM-CGA

MAY 02 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Benny O. Lendermon, P.E., Director,
Division of Public Works
City of Memphis
125 North Main - Room 608
Memphis, TN 38130-2091

Re: Dispute Review Under EPA Construction Grant No.
C470247-01, C470386-01, 02, & 03; Memphis, TN;
Docket No. 04-92-AD09

Final Decision of the Regional Administrator

Dear Mr. Lendermon:

Enclosed is a copy of EPA's final decision on the subject dispute review as issued by the Regional Administrator on April 29, 1994.

This decision completes your request for a disputes review pursuant to 40 CFR § 30.1205(b) (1990), and constitutes final EPA action on the disputed issues, unless you file a petition for discretionary review by the Assistant Administrator for Water, WH-556, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

To be considered, such petition must be submitted within 30 calendar days from the date of the Regional Administrator's decision, must be sent by registered mail, return receipt requested, and must include:

- (1) A copy of the Regional Administrator's decision, and;
- (2) A concise statement of the reasons why you believe the decision is erroneous.

In the event you submit such petition and the Assistant Administrator for Water decides, at his discretion, not to review the Regional Administrator's decision, you will be advised in writing that the Regional Administrator's April 29, 1994, decision remains the final agency action.

The final grant calculation is being prepared and will be sent under separate cover shortly.

If you have any questions on any of the above instructions,
please contact me at (404) 347-2200.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda S. Barrett". The signature is fluid and cursive, with the first name "Linda" and last name "Barrett" clearly distinguishable.

Linda S. Barrett
Regional Grants Disputes Officer

Enclosure

cc: TN Department of Environment & Conservation
Christopher Rissetto, Attorney

As a result of the final audit, the EPA Region IV Disputes Decision Official (DDO) issued a final determination letter (FDL) dated June 10, 1992, revising the OIG's questioned costs. The DDO disallowed \$3,387,461 and determined that the City owed EPA \$2,563,677 for overpayment under these grants. In filing the request for this review, the City disagreed with 26 issues in the FDL and provided additional information for consideration.

The City requested this dispute be decided on the written record combined with a disputes conference which was held on November 18, 1993. In accordance with the disputes review process requirements, the documentation incorporated by reference or contained in the City's submissions dated July 9, 1992, September 11, 1992, January 28, 1993, and December 7, 1993, was reviewed by the Water Management Division (WMD), Office of Regional Counsel (ORC), and OIG and I considered their final recommendations.

The issues in dispute are whether the EPA erred in disallowing the following:

I. GRANT NO. C470247-01

1. \$48,873 in construction costs incurred under the extra work clause,
2. \$58,228 in construction costs incurred under the extra work clause,
3. \$97,997 in construction costs incurred under the extra work clause,
4. \$123,223 in construction costs exceeding eligibility summary,
5. \$40,941 in unsupported A/E Basic Fees for the South Plant,
6. \$162,268 in unsupported A/E Basic Fees for the North Plant,
7. \$37,190 in unsupported A/E Basic Fees for the Loosahatchie Plant,
8. \$497,681 in unsupported force account costs, and
9. \$170,848 in unsupported administrative costs for bond sale expenses.

II. GRANT NO. C470386-01

1. \$72,733 in unsupported administrative costs for account work,
2. \$31,541 in survey fees,
3. \$7,700 in computer usage and technical assistance fees,
4. \$737,346 in 201 Plan fees,

5. \$98,785 in Sewer System Evaluation Survey (SSES) fees, and
6. \$251,851 in equipment costs.

III. GRANT NO. C470386-02

1. \$2,816 in easement acquisition fees,
2. \$597,738 in design fees, and
3. \$182,994 in termination costs.

IV. GRANT NO. C470386-03

1. \$6,561 in A/E Basic Fees for a factory acceptance test,
2. \$62,676 in impeller construction and permit costs,
3. \$23,993 in construction costs for roof repair,
4. \$7,610 in bond, insurance, and permit costs,
5. \$5,987 in permit fees,
6. \$17,469 in engineering fees,
7. \$1,668 in field survey costs, and
8. \$256,513 in site preparation costs.

The purpose of the dispute process is to provide an independent and objective review of the correctness of FDL final cost eligibility determinations in accordance with the applicable rules, regulations and policies in effect on the date of grant award. Accordingly, my final decision on the issues in dispute follows.

DISCUSSION

I. GRANT NO. C470247-01

A. CONSTRUCTION COSTS

1. According to the auditors, ineligible construction costs of \$48,873 were incurred and claimed under a contract "allowance for extra work" clause which is unallowable according to a Tennessee Department of Health and Environment (TDHE or TDEC or

State) eligibility summary. The DDO agreed and disallowed these costs.

The grantee stated that the inclusion of an "allowance for extra work" clause was the City's practice in all contracts prior to 1978. This administrative method of funding the inevitable changes that occur in a project was authorized under Section 838 of the City Charter. TDHE was aware of this provision in contracts approved for award at that time. In fact, an interim audit allowed \$97,999 of costs incurred because of this clause.

All change order increases and decreases for extra work were calculated at approved as-bid unit prices for grant eligible contract material. The net effect of the changes (both underruns and overruns) was a decrease in the contract allowance as bid.

Another support for the grantee's position is the fact that Grant Amendment 7 (dated February 18, 1982) recognized the approval of eligible costs for extra work on the Nonconnah Extension. The identical allowance for extra work method was used approved under similar contracts such as Hurricane Creek. According to the grantee, no substantial basis for disallowing these costs has been established.

The "extra work" clause was used in the contracts for both the Nonconnah Interceptor Extension and the Hurricane Creek Sewer Plant. The purpose of this clause was to allow ease of contract administration in the event of change orders. Also, the City's internal contract administrative procedures were adhered to when these changes were made.

Before any money could be requested for disbursement as a result of this clause, all EPA contract administrative procedures had to be followed. This means that appropriate change orders were issued and approved by EPA before any extra costs were requested.

Grant Amendment No. 7 approved the eligible costs for the Nonconnah Interceptor Extension in the amount of \$649,238. This is precisely the same final contract amount that was arrived at by the final contract change order (No. 3) which incorporated "extra work" items.

EPA's concern that the bid documents and final pay estimate cannot be reconciled has been satisfactorily addressed by the grantee's submissions to the written record. I find that the work performed and paid for under this clause is eligible for EPA participation.

The amount of \$48,873 incurred due to the extra work clause is hereby reinstated.

2. According to the auditors, construction costs of \$58,228 are unallowable because they represent original contract claimed amounts as well as Change Orders 1 and 2 under the Hurricane Creek Interceptor contract.

The auditors originally questioned these costs because of the grantee's use of the "allowance for extra work" clause. They found these costs to be unallowable according to the TDHE eligibility summary. The DDO upheld that finding.

The Hurricane Creek contract was awarded for \$154,396. Work was completed, including Change Orders 1, 2, and 3, under the allowance for extra work clause. The final contract amount was \$147,819 as indicated in the final pay estimate. The grantee submitted these revised costs to EPA.

The grantee believes that the auditors confused "total contract amount" (\$147,819) and "amount claimed" (\$89,203). The City only claimed \$89,203 under the grant. It never exceeded the approved total project cost of \$154,396 or claimed payment in excess of the approved amount for grant participation.

The City reasons that EPA should not disallow more than it sought in reimbursement. The grantee states that the disallowed costs were never claimed for reimbursement or received by the grantee.

The written records supports the grantee's position. The amount of \$58,228 is, therefore, removed from disallowed costs. The final grant calculation will reflect this action.

3. Construction costs totalling \$97,997 incurred under the "allowance for extra work" clause were disallowed by the DDO.

a. Construction costs of \$89,304 were questioned as an ineligible increase to the South Plant contract. The DDO disallowed the costs because Change Order 5, which contained these costs, was previously disapproved by EPA.

The City requested a review of this disapproval and continued to include Change Order 5 costs in all reports pending a determination by EPA. Even though requested by the grantee, there is no evidence that EPA revised its determination that the costs were ineligible before the final audit.

According to the City, it incurred these disallowed costs when it purchased instrumentation to provide a monitoring capability for nutrients that affected plant performance and industrial discharges. The City obtained a cost-effective proposal that covered providing this equipment to both the North and South Plants. The equipment provided frequent monitoring

during the initial phases of plant operations and additional monitoring after historical data was obtained.

When Change Order 5 was disapproved by TDEC and EPA, the City, by letter dated February 9, 1979, asked EPA to reconsider the eligibility determination. It cited the significant function of the equipment in plant control and effluent monitoring.

The City's position is that EPA should approve the acquisition of the equipment which has been successfully providing required data at the North and South Plants for more than ten years. The City contends that EPA's failure to respond to its request for reconsideration should not be the basis for these cost disallowances.

The grantee argues that the City's permit and monitoring requirements show that TDEC required analysis of cyanide, phenols, ammonia, and dissolved oxygen. Thus, it contends, the purchase of the monitoring equipment was necessary under this grant.

During the disputes conference, the grantee contended that Change Order 5 was submitted some time in mid-1978. According to the grantee, the letter dated January 10, 1978, has a typographical error in the date which should read January 10, 1979, rather than January 10, 1978. This letter stated that Change Order 5 costs were eligible. If that were the case, the City argues, the December 19, 1978, letter denying Change Order 5 would be superseded. The grantee has the burden of proof in supporting this allegation.

The grantee provided no evidence to show that EPA reconsidered its disapproval of Change Order 5 at any time. The contention that there was a typographical error in the date of a letter has not been supported by any evidence. After the conference, the grantee chose to pursue a different argument in submitting documents for consideration in its appeal.

The grantee argued that permit and monitoring requirements made Change Order 5 costs necessary. There is insufficient evidence of either (1) EPA subsequent approval of Change Order 5, or (2) permit requirements that resulted in Change Order 5 costs. For this reason, I can find no basis for reinstating these costs.

Based on the written record evidence, the amount of \$89,304, remains disallowed.

b. The amount of \$6,025 represents costs identified in the interim audit as ineligible items in Change Orders 3 and 4. No documentation to support these costs was provided.

The City has been unable to provide any evidence that these disputed costs should be reinstated. Without documentation that these costs were eligible, \$6,025 remains disallowed.

c. The amount of \$2,668 was disallowed because the grantee failed to remove ineligible Change Order 10 costs from its request for reimbursement.

The grantee has provided no evidence to demonstrate that these costs are eligible. Without supporting documentation, \$2,668 remains disallowed.

Based on the foregoing, the construction costs totalling \$97,997 remain disallowed in their entirety.

4. Construction costs of \$123,223 were declared ineligible because they represent the difference between the amount claimed and the total identified as eligible by the TDHE eligibility summary for the North Plant.

By letter dated December 15, 1978, EPA approved a total contract amount of not less than \$39,319,526 for construction of the North Plant. This contract price included an eligible amount of \$39,290,784.

These approvals, according to the grantee, equal or exceed the costs questioned, provide the approvals required by TDEC, and include the approval of all change orders increasing the contract price. Thus, the grantee explained that EPA's reliance on the TDEC eligibility summary was incorrect. The grantee contends that the DDO did not take EPA documentation into account when making his decision.

In fact, the written record indicates that on February 19, 1982, EPA approved Grant Amendment 7 which recognized eligible costs for the North Plant in the total amount of \$39,323,573.

Based on the above information, I accept the grantee's position and reinstate \$123,223 in construction costs for the North Plant.

B. A/E BASIC FEES

1. The DDO disallowed \$40,941 in unsupported A/E Basis Fees in connection with construction of the South Plant because they were claimed after the date of the interim audit. The grantee was unable to provide a record of these project costs or documentation of payment at the time of final audit.

The City has been unable to provide any evidence that these disputed costs should be reinstated. Without documentation that these costs were eligible, \$6,025 remains disallowed.

c. The amount of \$2,668 was disallowed because the grantee failed to remove ineligible Change Order 10 costs from its request for reimbursement.

The grantee has provided no evidence to demonstrate that these costs are eligible. Without supporting documentation, \$2,668 remains disallowed.

Based on the foregoing, the construction costs totalling \$97,997 remain disallowed in their entirety.

4. Construction costs of \$123,223 were declared ineligible because they represent the difference between the amount claimed and the total identified as eligible by the TDHE eligibility summary for the North Plant.

By letter dated December 15, 1978, EPA approved a total contract amount of not less than \$39,319,526 for construction of the North Plant. This contract price included an eligible amount of \$39,290,784.

These approvals, according to the grantee, equal or exceed the costs questioned, provide the approvals required by TDEC, and include the approval of all change orders increasing the contract price. Thus, the grantee explained that EPA's reliance on the TDEC eligibility summary was incorrect. The grantee contends that the DDO did not take EPA documentation into account when making his decision.

In fact, the written record indicates that on February 19, 1982, EPA approved Grant Amendment 7 which recognized eligible costs for the North Plant in the total amount of \$39,323,573.

Based on the above information, I accept the grantee's position and reinstate \$123,223 in construction costs for the North Plant.

B. A/E BASIC FEES

1. The DDO disallowed \$40,941 in unsupported A/E Basis Fees in connection with construction of the South Plant because they were claimed after the date of the interim audit. The grantee was unable to provide a record of these project costs or documentation of payment at the time of final audit.

The grantee responded that there were no Step I grants (i.e., separate engineering grants) in 1970 when this grant was awarded. Letters and grant approvals all mentioned engineering costs, however, so the City relied on these documents as the basis to incur approved engineering fees.

Even though the City incurred grant eligible charges in excess of \$739,795, it only submitted \$736,729 for the South Plant engineering services. This is supported by documents submitted to the written record by the grantee.

Because no method or line item exists in this grant to reimburse the City for legitimately incurred A/E fees, some reasonable method must be determined to allow the grantee to recoup reasonable, allowable engineering costs. During the disputes conference held on November 18, 1993, the parties discussed an acceptable method of calculating a basis for reimbursing reasonable project design costs under this grant.

The City reviewed the grant award documents to determine if any restrictions were placed on the eligibility of engineering fees or that would otherwise limit the applicability of the American Society of Civil Engineers (ASCE) fee curves as a guideline for eligibility. No restrictions were identified.

The use of the ASCE Manual is acceptable to establish that the allowable cost for basic engineering services performed by force account may be based on total allowable construction costs, including change orders, rather than the low construction bid (see Los Angeles County, CA, Assistance Disputes Decision (ADD) 09-84-AD37, January 28, 1987).

The total engineering fees incurred and paid in connection with the South Plant are less than the allowable, eligible amount permissible under the ASCE No. 45 curve method. The City believes use of the ASCE Manual 45 for its project is a reasonable method for determining allowable design costs for the City's projects. EPA agrees that the use of this method to determine allowance design costs is reasonable.

With the agreement to use this method, the disallowance of these engineering costs is inappropriate. Based on the above, I am reinstating \$40,941 in A/E Basic Fees.

2. The DDO disallowed \$162,268 in unsupported A/E Basic Fees and resident inspection charges in connection with the North Plant because they represent amounts invoiced for which no evidence of a contract or payment exists. Also, these costs were incurred after the EPA-approved contract completion date.

As discussed under the previous issue above, during the disputes conference held on November 18, 1993, the parties discussed a method for calculating reasonable engineering costs under this grant. The City reviewed the grant award documents to determine if any restrictions were placed on the eligibility of engineering fees or that would otherwise limit the applicability of the ASCE fee curve method as a guideline for determining eligibility. No restrictions were identified.

In Greenfield, CA, Board of Assistance Appeals (BAA) No. 80-52 - Holland, December 30, 1982, at Page 6, reads as follows:

We have held that the Region may use the ASCE fee curve as a guide in evaluating the reasonableness of engineering costs. "The grantee has the burden of demonstrating that all costs are reasonable, eligible and allocable to approved project tasks, especially those costs which exceed the fee curve amount." County Sanitation Districts of Los Angeles County, EPA Board of Assistance Appeals (February 10, 1981), p.4. This holding specifically applied to force account engineering costs. We believe it also applies to engineering services performed by a private firm.

The total engineering fees incurred and paid in connection with the South Plant are less than the allowable, eligible amount permissible under the ASCE No. 45 curve method. The City believes use of the ASCE Manual 45 for its project is a reasonable method for determining allowable design costs for the City's projects. EPA has agreed.

Pursuant to this agreement, the fees paid by the City for A/E services in connection with the North Plant fall within the range of fees judged to be reasonable under the guidance set forth by EPA.

The grantee provided documentation confirming that these costs had been paid to the engineer. Invoices were submitted by the engineering firm, Ellers, Oakley, Chester & Rike, as well as the corresponding general ledger-detail entries from the City's records for the period February 1976 through April 1977. The grantee also submitted a statement dated December 3, 1993, from Harry Rike confirming that the fees were paid to Ellers, Oakley, Chester & Rike.

Based on the above information, I am reinstating \$162,268 in Basic A/E Fees.

The grantee responded that there were no Step I grants (i.e., separate engineering grants) in 1970 when this grant was awarded. Letters and grant approvals all mentioned engineering costs, however, so the City relied on these documents as the basis to incur approved engineering fees.

Even though the City incurred grant eligible charges in excess of \$739,795, it only submitted \$736,729 for the South Plant engineering services. This is supported by documents submitted to the written record by the grantee.

Because no method or line item exists in this grant to reimburse the City for legitimately incurred A/E fees, some reasonable method must be determined to allow the grantee to recoup reasonable, allowable engineering costs. During the disputes conference held on November 18, 1993, the parties discussed an acceptable method of calculating a basis for reimbursing reasonable project design costs under this grant.

The City reviewed the grant award documents to determine if any restrictions were placed on the eligibility of engineering fees or that would otherwise limit the applicability of the American Society of Civil Engineers (ASCE) fee curves as a guideline for eligibility. No restrictions were identified.

The use of the ASCE Manual is acceptable to establish that the allowable cost for basic engineering services performed by force account may be based on total allowable construction costs, including change orders, rather than the low construction bid (see Los Angeles County, CA, Assistance Disputes Decision (ADD) 09-84-AD37, January 28, 1987).

The total engineering fees incurred and paid in connection with the South Plant are less than the allowable, eligible amount permissible under the ASCE No. 45 curve method. The City believes use of the ASCE Manual 45 for its project is a reasonable method for determining allowable design costs for the City's projects. EPA agrees that the use of this method to determine allowance design costs is reasonable.

With the agreement to use this method, the disallowance of these engineering costs is inappropriate. Based on the above, I am reinstating \$40,941 in A/E Basic Fees.

2. The DDO disallowed \$162,268 in unsupported A/E Basic Fees and resident inspection charges in connection with the North Plant because they represent amounts invoiced for which no evidence of a contract or payment exists. Also, these costs were incurred after the EPA-approved contract completion date.

As discussed under the previous issue above, during the disputes conference held on November 18, 1993, the parties discussed a method for calculating reasonable engineering costs under this grant. The City reviewed the grant award documents to determine if any restrictions were placed on the eligibility of engineering fees or that would otherwise limit the applicability of the ASCE fee curve method as a guideline for determining eligibility. No restrictions were identified.

In Greenfield, CA, Board of Assistance Appeals (BAA) No. 80-52 - Holland, December 30, 1982, at Page 6, reads as follows:

We have held that the Region may use the ASCE fee curve as a guide in evaluating the reasonableness of engineering costs. "The grantee has the burden of demonstrating that all costs are reasonable, eligible and allocable to approved project tasks, especially those costs which exceed the fee curve amount." County Sanitation Districts of Los Angeles County, EPA Board of Assistance Appeals (February 10, 1981), p.4. This holding specifically applied to force account engineering costs. We believe it also applies to engineering services performed by a private firm.

The total engineering fees incurred and paid in connection with the South Plant are less than the allowable, eligible amount permissible under the ASCE No. 45 curve method. The City believes use of the ASCE Manual 45 for its project is a reasonable method for determining allowable design costs for the City's projects. EPA has agreed.

Pursuant to this agreement, the fees paid by the City for A/E services in connection with the North Plant fall within the range of fees judged to be reasonable under the guidance set forth by EPA.

The grantee provided documentation confirming that these costs had been paid to the engineer. Invoices were submitted by the engineering firm, Ellers, Oakley, Chester & Rike, as well as the corresponding general ledger-detail entries from the City's records for the period February 1976 through April 1977. The grantee also submitted a statement dated December 3, 1993, from Harry Rike confirming that the fees were paid to Ellers, Oakley, Chester & Rike.

Based on the above information, I am reinstating \$162,268 in Basic A/E Fees.

3. The DDO disallowed A/E Basic Fees totalling \$37,190. The amount of \$5,280 was disallowed because there was no documentation to support payment claims. Resident inspection fees of \$7,322 incurred after the grantee-approved contract completion date were also disallowed. Also, \$24,588 in costs unsupported by documentation of component charges or supporting evidence of contract information or payments were disallowed.

Once again, the grantee contends that the fees paid by the City for A/E services in connection with the Loosahatchie contracts were within the range of fees judged to be reasonable under the ASCE guidance accepted for use by EPA. The City's general ledger entries were also acceptable evidence that these funds had been dispersed.

The City notes that the contract completion date was October 4, 1982. The auditors do not cite a completion date in their report when questioning these costs as incurred outside the EPA-approved completion date.

The grantee's documentation indicates that the contract completion date is October 4, 1982, and that the COE's inspection took place on November 29, 1983. The COE inspection report states that all work was complete as of that date (November 29, 1983) but that the COE was "not aware of or a party to the final inspection of this contract." Thus, there is no indication in the documents submitted to indicate what these resident inspections costs included or when they were incurred.

In Wexford County, Michigan, ADD 05-84-AD20, August 7, 1986, at Pages 6 and 7, the DDO held:

. . . Where engineering services are related to the administration and supervision of a construction contract, and the construction contractor fails to complete the project on time, costs for such A/E services incurred during the "overrun period" are not allowable for grant funding unless the grantee documents that the costs were 'necessary and reasonable for the proper and efficient administration of the grant program' and not caused by the contractor's failure to perform nor by the grantee's mismanagement. 5/ City of Riverside, California, Docket No. 09-85-AD01; Tuolumne County, California, Water District No. 2, Docket No. 09-84-AD40.

5/ This principle is discussed in a legal opinion of the EPA office of General Counsel dated April 18, 1983. It is derived from the fundamental tenet that the grantee is responsible for properly managing Federal grant project to completion. 40 C.F.R. §35.936-5. . . .

Also in Newell County Water District, ADD 09-85-AD03, March 32, 1986, at Page 4, the following argument was advanced:

The District's second argument is that the costs for the final project inspection, record drawings, certificate of completion and other contract close-out activities should be allowable for grant participation. The audit report and the final decision disallowed all engineering costs after the authorized completion date, on the basis that these costs resulted from delays in construction. While the costs of a resident inspector will increase whenever the period of time for conducting a project extends beyond the authorized completion date, the final project inspection, record drawings, certificate of completion and other contract close-out activities are one-time activities, and typically are incurred after construction has been completed. Accordingly, the fact that these costs were incurred after the authorized construction completion date does not indicate that these costs resulted from or increased because of the delays in construction. Thus, the costs for these activities are allowable if the documentation submitted by the District is sufficient to segregate these costs from engineering costs which did increase due to the delays in construction.

The lack of supporting documentation for these costs leaves me no alternative but to uphold the DDO's decision to disallow \$37,190 in resident inspection fees.

C. FORCE ACCOUNT COSTS

Engineering and resident inspection fees of \$497,681 performed by the force account method were disallowed by the DDO because the grantee had no records of expenditures and no supporting documentation such as time and attendance reports for these costs.

The auditors were unable to find evidence that EPA approved the grantee's use of the force account method. No category or amount for force account work was established in the budget. There is also a question that some of the force account resident inspection fees may be ineligible because they were incurred after the EPA-approved completion date for related construction work.

In information submitted to the written record, the grantee contends that the interim audit accepted \$200,208 of the force account costs as eligible. The OIG verified this statement.

The grantee explained that the interim audit findings were expressly based on the standards of the EPA Audit Guide which required the auditor to determine that the force account work had been "specifically approved by EPA." It argues that the auditors found evidence of force account approval and, therefore, allowed these costs. The DDO's disallowance of these costs after the final audit did not take this into account.

The grantee further asserts that the TDEC summary grant eligibility determination not only calculated the total eligibility of all remaining force account costs and, in so doing, relied on contemporaneous records. Based on this assertion, there is no justification to reject the eligibility determination of the initial audit report or the TDEC determination with respect to the balance of the force account costs.

The City's use of the ASCE Manual No. 45 fee curve comparison has been accepted by EPA. The grantee's records concerning the TDHE eligibility summary and documentation were accepted for other issues discussed above. EPA's acceptance of this method and these documents was established earlier in this decision.

Based on the foregoing, I am reinstating \$497,681.

D. ADMINISTRATIVE COSTS

The amount of \$170,848 in unsupported costs claimed for bond sale expenses was disallowed because the grantee could not provide documentation of either the specific expenditures claimed or evidence that bond proceeds resulting from these expenses were deposited or used for this EPA project.

Additionally, it appears that the amount claimed for bond sales is incorrect because the total amount of expenses for each bond sale, rather than the EPA project portion, was used in the calculations.

The City provided documentation of specific expenditures claimed and evidence that bond proceeds resulting from these expenditures were used for this project. The EPA projection portion was documented as well. OIG confirmed that this information was sufficient to resolve the questioned costs.

When additional documentation, not available to the DDO, justifies reinstatement of previously disallowed costs, it is appropriate to reinstate these costs. See Gloucester County Utilities Authority, ADD 02-84-AD03, November 4, 1985, at Page 1.

Based on documentation submitted, \$170,848 in administrative costs are reinstated.

II. GRANT NO. C470386-01

A. ADMINISTRATIVE COSTS

1. Unsupported administrative costs of \$72,733 for force account work for which there are no time sheets or canceled payroll checks were disallowed. The grantee subsequently provided substitute information to the written record which, it feels, supports that these costs were incurred and paid by the grantee.

Based on information submitted by the grantee to the written record, the OIG verified that there was sufficient documentation to resolve \$72,733 in questioned administrative costs. I am, therefore, reinstating that amount.

2. Unsupported survey fees of \$31,541 for the Cloverhaven Sewer System Evaluation Survey (SSES) were disallowed because the grantee did not provide a bilaterally executed contract.

The City of Memphis was designated as the lead applicant for the facilities planning area that included an area known as Cloverhaven. Memphis entered into an intergovernmental agreement with Shelby County to complete the SSES work and request EPA grant reimbursement.

The grantee subsequently produced a copy of the bilaterally executed contract (dated November 5, 1974) for EPA review. That document is acceptable evidence to allow reinstatement of \$31,541 for survey work. I am, therefore, reinstating \$31,541 in survey fees.

3. The DDO disallowed \$7,700 in fees for computer usage and technical assistance incurred in connection with the Sewer System Evaluation Survey (SSES). The amount was originally questioned during the contract proposal review dated July 28, 1981.

The grantee responded that the costs consisted of software and computer application functions for the pretreatment equipment (i.e., flow meters). Information was provided which indicated that, while EPA's initial position was that the costs were unallowable, it did eventually state that the costs would be approved "pending possible recovery as a result of the final project audit."

By letter dated August 15, 1985, TDHE informed the grantee that microprocessor and accessories would be eligible if they were used in the operation of a wastewater treatment plant. The dispute file supports that the grantee met that condition. I am, therefore, reinstating \$7,700 in computer fees.

B. 201 PLAN FEES

The DDO disallowed \$737,346 in 201 plan fees billed under the engineering contract dated September 26, 1974, and the letter amendment to that contract. The auditors believed these costs were ineligible because grant application fees are an ordinary operating expense of government (reference 40 CFR 35.940-2(g)). The City contends that these fees were for professional services and NOT for filling out grant fund applications as the auditors believed.

According to the grantee, extensive effort was expended in the 201 process evaluating various alternatives for sludge disposal. Wegman (the consultant) was asked to amend the 201 plan to include co-incineration. Amendments were necessary because of the concern raised by EPA that sludge generated by the incineration process would be classified as hazardous waste and, therefore, not acceptable for landfilling. Wegman produced an

amended Nonconnah Creek Basin 201 Facilities Plan which incorporated:

1. Changes sought by the Memphis Light, Gas and Water Division,
2. Utilization of area-wide refuse, and
3. Conclusions reached during the evaluation process.

The grantee certified that to its knowledge, Wegman did not, under any circumstances, complete grant forms or take other steps to secure grant funding. Wegman's function was to provide eligible and allowable engineering services to continue the City's projects through the three-step grant process.

The auditors dealt with the invoices at face value and, from a review of the record, I can partially understand how they arrived at their conclusion that \$737,346 was for Wegman's efforts in "obtaining grant funding." Upon a full examination of all documents submitted to the written record, however, this interpretation is incorrect.

Information submitted to the record supports the grantee's contention that these disallowed costs were for 201 plan work and are, as such, grant eligible.

For this reason, I am reinstating \$737,346 in 201 plan fees.

C. SEWER SYSTEM EVALUATION SURVEY (SSES) FEES

The DDO disallowed \$98,785 in unsupported Bartlett SSES fees for which the grantee did not provide a bilaterally executed contract.

The grantee subsequently provided the necessary documentation to support these costs and a review revealed that the costs were eligible. I am, therefore, reinstating \$98,785 in SSES fees.

D. EQUIPMENT COSTS

According to the auditors, ineligible equipment costs of \$251,851 represent charges for flow meters and rain gauges. The cost for this equipment, whose useful life exceeded the requirements of the project, should have been charged to EPA using an allowance method according to the auditors.

Of the total amount, \$17,465 was also questioned because it represented excessive maintenance items or services for the flow meters which, the auditors believed, should have been provided by the City as a normal function of government.

By letter dated August 15, 1985, TDHE concurred that the City's cost-effectiveness analysis supported its purchase of lab equipment necessary for implementation of a pretreatment program. On October 7, 1985, EPA issued Grant Amendment 7 in the amount of \$264,109 to cover this purchase.

The grantee purchased this equipment with TDHE approval. Grant Amendment 9 (dated October 7, 1988) covered the increased costs of this purchase over that allowed by Grant Amendment 7.

The City contends that this information supports an affirmative management decision and, therefore, the costs should be reinstated. By executing a grant amendment to increase the grant amount to cover the purchase of this lab equipment, EPA indicated its approval of the grantee's actions. I agree that these costs are eligible for EPA participation. There is no evidence in the record to support the auditors' position that the costs should have been claimed using an allowance method.

The costs of \$251,851 are hereby reinstated.

III. GRANT NO. C470386-02

A. EASEMENT ACQUISITION FEES

The DDO disallowed engineering fees of \$2,816 incurred for easement acquisition surveys. These costs are ineligible according to 40 CFR 35.940-2(h):

Costs which are not necessary for the construction of a treatment works project are unallowable. Such costs include, but are not limited to:

(h) Site acquisition (for example, sewer rights-of-way, sewage treatment plant sites, sanitary landfills and sludge disposal areas) except as otherwise provided in §35.940-3(a).

These costs were designated as ineligible in Amendment No. 5 dated March 11, 1981.

While the grantee disputed these costs, it failed to provide any further submissions to the written record to support its appeal. I have no alternative but to uphold the DDO's decision as stated in the FDL. The amount of \$2,816 remains disallowed.

B. DESIGN FEES

Ineligible costs of \$597,738 represent engineering design fees in connection with the Phase B coincineration portion of the grant. Because it appears that two increases in the amount of this grant were awarded based on an EPA-approved coincineration design never completed, these costs were disallowed by the DDO.

The initial disallowance was based on 40 CFR 30.920-4 which states:

Upon termination, the grantee must refund or credit to the United States that portion of grant funds paid or owed to the grantee and allocable to the terminated project work, except such portion thereof as may be required to meet commitments which had become firm prior to the effective date of termination and are otherwise allowable. . . .

By Grant Amendment 4 (dated July 3, 1984), EPA rescinded a special condition of Grant Amendment 2 which would have required the City to bear the cost of termination of the coincineration phase of this grant. The grantee contends that this action effectively represented a grant termination settlement agreement, consistent with EPA regulations at 40 CFR 30.920-1.

The City affirms that EPA's award of a grant increase after the termination action recognizes the Agency's determination of validly incurred costs. A review of this information submitted to the written record by the grantee supports that position.

Based on these facts, I am reinstating \$597,738 in design fees.

C. TERMINATION COSTS

The DDO disallowed \$182,994 in termination costs for the engineering contract containing the coincineration portion of the project. The auditors held that the grantee incurred these costs through no fault of EPA and, therefore, the expenditure was ineligible for reimbursement.

As explained earlier in this decision, Grant Amendment 4 rescinded Grant Amendment 2 thus allowing the grantee to claim these costs as EPA eligible. I am, therefore, reinstating \$182,994.

IV. GRANT NO. C470386-03

A. A/E FEES

The DDO disallowed \$6,561 in A/E Basic Fees. These costs represent the excess of fees requested for 75% funding for construction Contracts 6, 7, 9, and 10 over the total determined eligible for these costs. This particular amount represents the requested portion of engineering fees related to a factory acceptance test for pumps under Contract 9. The Corps of Engineers noted that the costs were ineligible because they were incurred after the EPA-approved contract completion date of March 6, 1984.

The grantee contends that the factory acceptance testing was postponed with TDEC and COE concurrence. According to an affidavit by Jerry R. Collins, Jr., Administrator, Environmental Engineering, Division of Public Works, City of Memphis, dated December 1, 1993, the costs were properly incurred and reimbursed under the City's grant for the following reasons:

1. The pump station in question provides a necessary hydraulic capability in the event the level of the adjacent river would not permit the usual gravity flow discharge.
2. At the time the pumps were installed, it was deemed essential to postpone the acceptance testing until such time as a higher river level made use of the pumps necessary, or at least provided conditions that would demonstrate that the pumps could, in fact, develop the required hydraulic pressure.
3. With the concurrence of the Tennessee Department of Health and Environment (TDHE) and the United States Corps of Engineers (COE), the acceptance testing was thus postponed until after the contract completion date to permit a meaningful test based on the seasonal elevation and flow of the Mississippi River.

Mr. Collins stated that he "subsequently attended the final inspection and testing of the pumps, which were approved for acceptance."

I accept the grantee's position that the factory-acceptance test for Contract 9 was properly postponed and that the costs should be eligible for EPA participation. Based on the facts submitted, the amount of \$6,561 is reinstated.

B. FEES AND PERMITS

1. According to the auditors, \$53,218 represents charges for fees and permits which are a normal expense of government and unallowable pursuant to The EPA Handbook of Procedures - Construction Grants Program for Municipal Wastewater Treatment Works (Handbook of Procedures), Chapter VII, Note 3 which states:

...for miscellaneous costs to be eligible for grant participation, they must: 1. Be necessary and reasonable and not a normal expense of municipal administration.

Each construction contract awarded under this grant contained a line item for permits. As such, permits are construction-related expenditures. In 40 CFR 35.940-1, the regulations support charging for permits under construction contracts as follows:

Allowable costs include:

(b) Costs under construction contracts.

Because these permits were a part of the construction contract for which the contractor was solely responsible, I am reinstating \$53,218 in permit costs.

2. Ineligible costs of \$9,458 represents charges for Change Order 2 for interim modifications to four digester sludge pumps. The disallowed costs were for new impellers installed on the pumps pending completion of sludge processing facilities.

Under Contract 10, the original digester sludge pumping system, including the impellers installed under Contract 6, was removed. Charges for the impellers, which were used only temporarily, are not eligible for EPA participation according to the auditors.

The grantee contends that TDEC, by letter dated April 2, 1982, transmitted the proposed change order with the City's supporting documentation (e.g., costs for fees, permits, and impellers) to COE for review. The COE approved the change order in full on May 14, 1982. The written record supports that Change Order 2 was approved both by the State and COE.

The issue, however, is not approval of the change order but the fact that the impellers installed per this change order were subsequently removed under another contract. Thus, the question remains whether the cost of temporary impellers are eligible for EPA participation.

40 CFR 35.940-1, Allowable Project Costs, addresses necessary costs which include:

- (a) Costs of salaries, benefits, and expendable material the grantee incurs for the project, except as provided in §35.940-2(g); (b) Costs under construction contracts;

While the grantee does not provide any new information to support its position that these temporary impeller costs are eligible, the applicable regulations do indicate that they can be. The written record does support that the impellers were a necessary interim modification to the digester pumps.

For this reason, I am reinstating \$9,458 in impeller costs.

C. CONSTRUCTION COSTS

The DDO disallowed \$23,993 for roof repair to the administration building because it was considered a normal operating expense of government.

These costs represent charges from Change Order 3 for reroofing part of the existing administration building due to leaks. Roof leaks occurred after design was completed but before EPA funding was granted for Contract 7. The DDO held that the replacement portion of the leaking roof was a maintenance expense not eligible for EPA funding.

The grantee reasoned that the expansion of the building made it necessary to reroof the complete structure to achieve a water-tight seal. On April 13, 1984, TDEC approved Change Order 3 to the administration building contract in the amount of \$23,993 to cover the reroofing costs.

The City contends that reroofing only one-half of the building would have been imprudent and at variance with standard practice. The City uses the affirmative management decision argument here. In order to support an argument that an affirmative management decision was made, the grantee must establish that the decision was within the limits of managerial discretion and not in violation of nondiscretionary standards in existence at the time of administrative approval (reference Audit Resolution board (ARB) Decisions 13/14). While the State and COE

were delegated authority to approve/disapprove change orders, they did not have the authority to waive regulations.

In Keokuk, Iowa, ADD 07-84-AD02, September 28, 1987, the costs for replacing items which were worn out and should be replaced as normal operation and maintenance expenses were discussed. Specifically, at Page 4:

The City has requested funding for replacement of items which have served their useful life or have worn out. Although EPA has recognized an obligation under Title II to bring existing treatment plants up to a performance level capable of meeting National Pollutant Discharge Elimination System (NPDES) permit limitations, this obligation is generally limited to funding upgrade work on existing unit processes or equipment which cannot adequately meet NPDES permit limits due to inadequate size or performance levels. Generally excluded from eligibility is replacement of equipment which is simply worn out. Rather, EPA requires that the grantee manage its project in such a manner as to be able to take care of the maintenance requirement of a facility.

The grantee's contention that TDEC's approval of Change Order 3 constitutes an affirmative management decision which cannot be overruled is not supported in this case. In Montgomery County, BAA 81-35 - Holland, July 30, 1982, the deciding official found that approval of a change order is not a determination of eligibility and a Region can properly disallow questioned costs at a later time. Specifically, at Page 2 the decision held:

The County submitted Change Order number 1 to Region V...requesting approval of 15 additional items for the project... Region V approved the Change Order in its entirety... The approved changes included two items which were subsequently disallowed in the Final Determination of the region....

Based upon the record presented in this appeal it was reasonable for the Region to conclude that the two items were for general repair and maintenance of an existing facility and were neither necessary for the expansion of the treatment facility nor within the scope of the project.

Reroofing is a normal expense of government and is unallowable. For this reason, \$23,993 remains disallowed.

D. BOND, INSURANCE, AND PERMIT COSTS

The DDO disallowed \$7,610 in costs requested for bonds, insurance, and permits for Contract 9 because permits are a normal expense of government pursuant to the Handbook of Procedures. Although bond and insurance costs are eligible, the auditors were unable to determine which portion of the questioned costs incurred were for these items. The auditor, therefore, questioned the entire amount.

The question of permit cost eligibility under these construction contracts was discussed earlier in this decision. Because permits were a requirement under a construction contract, they are eligible for EPA participation.

For this reason, I am reinstating \$7,610 in bond, insurance, and permit costs.

E. I/A FUNDS FOR PERMITS

The DDO disallowed \$5,987 for both 10% I/A and 75% funding for secondary treatment system charges for building permits which are considered a normal expense of government pursuant to the Handbook of Procedures, Chapter VII, Note 3.

The City responded that on January 28, 1983, TDEC approved the P.C. Mock change order which included a net decrease for "Building permits not used." It feel that these permit costs are eligible because they were construction permits which the contractor was required to provide under its contract.

The grantee has previously supported its contention that permits were a line item in these construction contracts and, thus, a contract requirement. As such, they are a construction-related expense and eligible for EPA participation pursuant to 40 CFR 35.940-1.

For this reason, I am reinstating \$5,987 in permit fees.

F. ENGINEERING SERVICES

The DDO disallowed \$17,469 in engineering service costs related to construction Contract S-1. This contract was for a segment of the multi-purpose coincineration project which was discontinued by the grantee. The scope of the grant was reduced

to exclude costs associated with coincineration including the amount related to Contract S-1. Because the costs associated with Contract S-1 were not within the grant's scope, they were declared ineligible for EPA funding by the DDO.

The issue of allowance of costs associated with coincineration under this grant was discussed previously in this decision. The grant was amended to make these costs eligible for EPA participation.

The grantee was able to provide sufficient documentation (e.g., project cost records and payment confirmation) to support that these costs were incurred and paid. I am, therefore, reinstating \$17,469.

G. FIELD SURVEY COSTS

The amount of \$1,668 for a field survey which was accomplished by the force account method were questioned by the auditors. The costs were disallowed by the DDO when the grantee could not provide documentation in the form of project cost records or any other support such as time sheets, payroll records, and/or canceled checks.

Because the grantee did not provide any supporting documentation for these costs during the dispute review, \$1,668 for the survey remains disallowed.

H. SITE PREPARATION COSTS

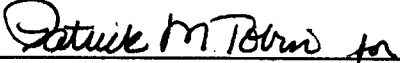
The DDO disallowed \$256,513 in Contract S-1 site preparation costs for the sludge dewatering facilities at the T. E. Maxson Wastewater Treatment Plant. These costs were questioned by the auditors because the multi-purpose coincineration project, of which Contract S-1 was a part, was removed from the scope of the grant by Amendment 4 dated September 30, 1982.

The grantee reasons that the auditors' disallowance of Step 3 coincineration costs is expressly tied to the Step 2 disallowance previously discussed under Grant No. C470386-02. Its logic is the Step 3 coincineration project was terminated for precisely the same reasons which justified the funding of all related costs incurred under the Step 2 grant. Thus, these coincineration costs should be eligible for EPA participation.

After a review of the documents submitted to the written record, EPA now agrees with the grantee that these costs are be eligible for EPA participation. For this reason, I am reinstating \$256,513 in site preparation costs.

DECISION

For the reasons given above, I sustain the FDL in disallowing \$134,187 as ineligible under Grant No. C470247-01; \$2,816 under Grant No. C470386-02; and \$25,661 under Grant No. C470386-03. I am reinstating \$1,043,834 under Grant No C470247-01; \$1,199,956 under Grant No. C470386-01; \$780,732 under C470386-02; and \$356,816 under Grant No. C470386-03. The amount of \$58,228 under Grant No. C470247-01 is removed from the disallowed cost category and will be reflected in the final grant calculation.



John H. Hankinson, Jr.
Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

In Re:)	Determination of the
)	Regional Administrator
CITY OF MEMPHIS, TN)	Pursuant to 40 CFR 30.1200
)	
Grant Nos. C470247-01,)	Docket No. 04-92-AD09
C470386-01, 02, & 03)	

Date: APR 29 1994

Digest Notes

1. GRL-020-150-000. Allowability of Costs--Bond Costs. Bond sale costs are allowable when grantee provides evidence of expenditures and proof that bond proceeds resulting from those expenditures were used for this project.
2. GRL-040-035-000. Allowability of Costs--Administrative Costs. When time sheets and canceled payroll checks are unavailable and the grantee provides acceptable substitute information, previously disallowed administrative costs may be reinstated.

Grantee allowed to provide verifiable substitute information to support survey fees resulting in reinstated costs.

Computer usage and technical assistance fees are allowable when grantee meets conditions set forth by EPA that they be used in the operation of a waste water treatment plant.

3. GRL-040-250-000. Allowability of Costs--Direct Costs. Design fees incurred in connection with a terminated portion of the grant were reinstated when the grantee was able to substantiate that EPA had previously recognized these costs as eligible notwithstanding the termination.

Permit costs which were the sole responsibility of the contractor and were incurred under a construction contract do not fall under normal operating expenses of government and are, therefore, allowable.

4. GRL-040-300-000. Allowability of Costs--Documentation. Documentation not fully considered at time of FDL which supports grantee's claim of eligibility can be considered at time of dispute review. Disallowed costs supported by that documentation may be reinstated.

When time sheets and canceled payroll checks are unavailable and the grantee provides acceptable substitute information, previously disallowed administrative costs can be reinstated.

Grantee allowed to provide verifiable substitute information to support survey fees resulting in reinstated costs.

Sewer System Evaluation Survey (SSES) fees previously disallowed because the grantee could not produce a bilaterally executed contract were reinstated when the necessary documents were subsequently provided.

Field survey costs, accomplished through the force account method, which cannot be documented in any way are unallowable.

5. GRL-040-350-000. Allowability of Costs--Force Account. Grantee's use of force account was supported during interim audit. Costs are allowable.
6. GRL-040-450-000. Allowability of Costs--Governmental Expenses. Costs previously disallowed as a normal function of government were reinstated when the grantee furnished documentation that the lab equipment was an integral part of implementation of a pretreatment program.
7. GRL-040-650-000. Allowability of Costs--Necessary Costs. Permit costs which were the sole responsibility of a contractor and were incurred under a construction contract do not fall under normal operating expenses of government and are, therefore, allowable.
8. GRL-120-850-000. Assistance Administration--Termination. Previously disallowed costs are eligible for reinstatement when the grantee shows that EPA had declared these costs eligible by grant amendment subsequent to termination action.
9. GRL-880-100-100. Subagreements--Architecture/Engineering Services (American Society of Civil Engineers (ASCE) Manual). In the absence of a means for calculating a basis for reimbursing the grantee for reasonable project design costs, the ASCE No. 45 fee curve method was used.

10. GRL-880-350-000. Subagreements--Contract Clauses. The use of an "extra work" contract clause is appropriate because it had been approved previously in other contracts under the same grant, it adhered to internal contract administration procedures when making changes, and costs incurred as the result of its use were properly tracked to allow reconciliation of eligible costs.
11. GRL-960-380-000. Wastewater Treatment Works Construction Grants--Facilities Planning. Disallowed costs which the grantee demonstrated were legitimately expended during the 201 Facilities Plan process to evaluate alternates for sludge disposal are reinstated.
12. GRL-960-620-000. Wastewater Treatment Construction Grants--Operation and Maintenance. The cost of reroofing a complete building to achieve a water-tight seal is a maintenance expense not eligible for EPA participation.
13. GRL-960-900-000. Wastewater Treatment Construction Grants--Site Acquisition (Easements). Easement acquisition fees are unallowable because they are not necessary for the construction of a treatment works project.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

MEMORANDUM

DATE: DEC 02 1992

SUBJECT: NOTICE OF REQUEST FOR DISPUTES REVIEW

FROM: TERRY DEMPSEY, *Terry Dempsey*
DISPUTES REVIEW OFFICER

TO: ADDRESSEES BELOW:

THIS IS TO NOTIFY YOU THAT THE CITY OF MEMPHIS, TENNESSEE
HAS REQUESTED A DISPUTES REVIEW (SEE ATTACHED
INFORMATION).

AUDIT REPORT NO. S2cWN8-04-0309-1300093

GRANT NOS. C470247-01, C470386-01, 02, & 03

DOCKET NO. 04-92-AD09

ATTACHMENT

ADDRESSEES: MARY M. BOYER - OIG
CAROL WILLIAMS -FMS
ROY WHATLEY - WMD
BILL ROGERS - GPAMU
GRANTS ASST.



TENNESSEE

DR. W. W. HERENTON - Mayor
DAVID F. HANSEN - Chief Administrative Officer
DIVISION OF PUBLIC WORKS
BENNY O. LENDERMON - Director

July 9, 1992

Certified Mail
P292239621

Regional Administrator
U. S. Environmental Protection Agency
345 Courtland Street, N. E.
Atlanta, Georgia 30365

Re: Audit Report S2CWN88-04-0309-1300093
Construction Grants C470247-01, C470386-01, 02, and 03

Dear Sir:

In June of 1992 the City of Memphis received a letter from EPA's Donald Guinyard, Assistant Regional Administrator, in reference to the above referenced audit report and construction grants. This letter constituted a final determination by EPA concerning costs questioned in the audit report. The letter from Mr. Guinyard was not dated.

Mr. Guinyard's letter advised that if the City of Memphis desired to file a request for a disputes review, then the City must do so by registered mail within thirty days of the date of his letter. Since the letter was not dated and due to the voluminous nature of the records concerning these construction grants, which spanned almost twenty years, we appealed for an extension of the time limit for a response be changed from 30 days to 60 days.

Having been unsuccessful in our attempts to make this appeal by phone to either Donald Guinyard or Bill McBride, we were finally successful in reaching Mr. Ed Springer on June 30, 1992. Mr. Springer was most helpful and verbally agreed to extend the City's deadline to file a request for a disputes review to August 15, 1992. We followed this conversation with a formal written request for a time extension dated June 30, 1992.

The purpose of this letter is to advise you that the City of Memphis has determined that the agency's final action on the audit findings is in error. The City of Memphis does, therefore, desire to have a disputes review. The amount in dispute is \$2,563,677.

For your information we have enclosed a copy of your decision letter and a copy of my letter, dated September 10, 1991, to Mr. William Gardner and Mr. Mario Machado. My September letter clearly describes the issues and objections of the City of Memphis.

EPA
7/9/92
Page 2

Consistent with the extension of the deadline for filing a request for disputes review to August 15, 1992 as approved by Mr. Springer and due to the huge nature of these grants and their records the City of Memphis will file a more comprehensive request for disputes review with your office prior to August 15, 1992.

Should you have any questions, please feel free to contact me.

Sincerely,



BENNY LENDEMON
PUBLIC WORKS DIRECTOR

BL:mrh

c: Terry Dempsey
Ed Springer
Jerry Collins
Monice Hagler
Rick Masson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable Richard C. Hackett
Mayor and Board of Councilmen
City of Memphis
125 Mid-America Mall
Room 608
Memphis, TN 38103

Re: Audit Report S2cWN8-04-0309-1300093
Construction Grants C470247-01, C470386-01, 02, and 03

Dear Mayor Hackett:

Enclosed is a copy of the above referenced audit report on the Construction Grants listed above as prepared by the Comptroller of the Treasury of the State of Tennessee for the Environmental Protection Agency's Office of the Inspector General (OIG). Please refer to the report for the OIG's explanation of the audit findings for these grants.

We have carefully reviewed the report and our files to make our final determination concerning the costs questioned in the report. These decisions are discussed in the following paragraphs.

C470247-01 - Exhibit A-1

Note 1 questioned costs of \$47,780 which represented the amount by which the accepted bid for the electrical reliability contract exceeded the low bid. This decision went through protest procedures and was upheld by the Mayor of Memphis and approved by EPA in a letter dated September 26, 1980; therefore, we are reinstating these costs.

We concur with the finding in Note 2 which questioned costs of \$1,086 for change order 3 for which no evidence of approval was found.

Under Note 3 we concur with the eligibility determination made by the Tennessee Department of Health and Environment (TDHE) which resulted in \$48,873 of ineligible costs incurred and claimed under a contract "allowance for extra work."

Note 4 questioned costs of \$58,228 representing amounts for the original contract and change orders 1 and 2 which were determined to be unallowable according to a TDHE eligibility summary. We concur with this finding.

Under Note 5 we agree that \$450 is ineligible for EPA participation because the amount claimed is in excess of the final contract of \$19,492.

Under Note 6 \$99,997 was questioned as follows: \$89,304 for an ineligible increase in change order 5 which was not properly reflected in the amount claimed; \$6,025 representing costs identified as ineligible in change orders 3 and 4; a \$2,000 increase from change order 10 which was not approved by TDHE; and, \$2,668, the net decrease of change order 10, which was not removed from the costs claimed as eligible. We have determined that the \$2,000 for which approval was not located is eligible for EPA participation; therefore, \$97,997 is the total disallowed under this note.

We concur with the ineligible questioned costs \$123,223 under Note 7 which represent the difference between the total identified as eligible by a TDHE eligibility summary plus \$2,591 identified by the interim audit because of lack of support.

Note 8 identified \$7,322 as eligible construction fees had they been claimed. We are reinstating these costs.

Under Note 9 the audit noted that no cutoff date had been established for the construction contracts; however, no costs were questioned as result of this finding.

Our final calculations for this grant are shown on Attachment 1.

C470247-01 - Exhibit B-1

Under Notes 1 and 3 to exhibit B-1, the audit questioned \$480,000 and \$280,600 as ineligible because the grant was awarded for Step III costs and design services were not within the scope of the grant. We disagree with this finding because this grant was funded under Public Law 84-660 which allowed design services to be included as eligible costs; therefore, we are reinstating the \$480,000 questioned under Note 1 and a portion of the costs questioned under Note 3 as eligible for EPA participation.

Costs of \$40,941 were also questioned under Note 1 as unsupported since no documentation was provided to support these costs. We concur with this finding.

Note 2 questioned costs of \$162,268 or basic engineering fees and inspection charges for the North plant as unsupported because no

evidence was found of payment or evidence of a contract. We concur with this finding.

Note 3 questioned \$280,600 for design fees for the Loosahatchie interceptor construction as ineligible because design costs are not eligible under the grant. As explained in Note 1 we are accepting \$275,320 of these fees as eligible and disallowing \$5,280 for lack of documentation of payment. The audit questioned \$6,000 and \$9,600 as not being supported by cost detail and in addition, the audit stated that a portion of these costs appeared to have been incurred for easement surveys which are ineligible. A portion of the \$9,600 was also disallowed because no documentation was available to support payment of \$5,280. We are reinstating the costs questioned for lack of cost documentation since this was not a requirement for contract amendments under this grant. Since the audit was not clear on the nature of the easement costs, we are disregarding this part of the finding. These findings result in EPA eligible design costs of \$275,320 with \$5,280 of the costs remaining questioned due to lack of documentation to support payment.

Basic fees questioned for the Loosahatchie interceptor were \$111,740. \$79,830 was questioned because pricing details were not presented on EPA 5700-41 forms. This consisted of \$57,819 for general supervision and \$22,011 for inspection fees. EPA Forms 5700-41 were not required under PL 84-660 grants; therefore, we are reinstating these costs. \$7,322 was questioned as incurred after the approved contract completion date. We concur with this finding.

The final finding under Note 3 questioned \$24,588 as unsupported due to the lack of documentation of component charges, evidence supporting payment was lacking or contract information was not available. We concur with this findings since all costs must be supported.

These determinations concerning basic fees result in accepted fees of \$79,830 and questioned costs of \$31,910 (\$7,322 + \$24,588).

As discussed under Note 4 we concur that \$1,492 is ineligible because the costs claimed were in excess of the costs incurred for engineering fees in connection with the effluent pumping station contract 11.

Under Note 5 we concur that \$159,915 and \$337,766 for basic engineering and resident inspection performed by force account is ineligible because no documentation was provided to support these costs nor was evidence provided that the force account work was approved.

Under Note 6 the audit disallowed \$383,327 for the alternative power source because the purchase was not made in accordance with

40 CFR 35.938-4 and 5. This grant was funded as a PL 84-660 and the recipient is not required to comply with these regulations; also, the power company was the only approved source, therefore, since the audit gave no additional reasons for disallowing these costs, we are reinstating them.

Note 7 questioned as unsupported \$170,848 for bond sale expenses because documentation was not provided of either the specific expenditures claimed or evidence that the proceeds were deposited or used for this project. We agree with this finding.

The costs incurred, accepted and questioned under Exhibit B-1 are summarized on Attachment 2.

C470386-01 - Exhibit A-1

Note 1 questioned costs of \$72,733 for force account work because there were no time sheets and canceled payroll checks to support the claim. We concur with this finding.

We concur with the finding under Note 2 which questioned \$31,541 representing the Cloverhaven sewer system evaluation survey fees for which a bilaterally executed contract was not provided.

We agree with Note 3 which questioned \$51,080 representing fees for the Memphis sewer system evaluation. Of this amount \$7,700 was determined ineligible during the proposal review dated July 28, 1981, and the remainder of the total, \$43,380, was ineligible because the fees were incurred after the expiration of the budget period for this grant. We concur that \$7,700 is ineligible; however, we are approving a budget extension and accepting the \$43,380 as eligible for EPA participation.

Under Note 4 we concur that \$740,746 is ineligible for the following reasons: \$3,400 was the claimed portion of an \$8,300 fee designated as ineligible by EPA in a memorandum dated April 19, 1979; the remaining costs, \$737,346, are ineligible because they consisted of costs for "... assisting the City in applying for federal and other available financial aid" which are an ordinary operating expense of municipal administration and not eligible for EPA participation and costs for "detailed design" services which were not covered by this grant.

We concur with the questioned costs under Note 5, \$98,785, representing Bartlett sewer system evaluation survey fees for which no bilaterally executed contract was provided.

Note 6 questioned \$251,851 for flow meters and rain gauges which should have been charged to EPA using an allowance method since the useful life of the equipment exceeded the requirements of the project. Of this amount \$17,465 was questioned because it represented excessive maintenance items or services for the flow

meters which should have been provided by the City as a normal function of administration. We concur with this finding.

Our summary of costs incurred, accepted and questioned for this grant are shown on Attachment 3.

C470386-02 - Exhibit B-2

Under Note 1 we concur that \$2,816 for engineering fees incurred for easement acquisition is ineligible according to 40 CFR 35.940-2-2(h).

Under Note 2 we concur that costs in the amount of \$597,738 representing engineering fees in connection with the phase B coincineration portion of the grant are ineligible since the project was canceled through no fault or requirement of EPA.

We agree with the findings of Note 3 which questioned as ineligible costs of \$182,994 representing costs claimed for terminating the remaining engineering contracts associated with the coincineration project.

Our calculations for this grant are shown on Attachment 4.

C470386-03 - Exhibit C-1

Under Note 1 we agree that \$6,561 is ineligible because these costs were incurred after the contract completion date.

Under Note 2 we concur that \$62,676 is ineligible because charges for fees or permits are considered a normal expense of government.

We agree with Note 3 that \$26,657 representing building permits and roof repair to the administration building is not eligible. Building permits are also considered a normal expense of government and the replacement of portions of the leaking roof is a maintenance expense and not eligible for EPA funding.

Note 4 questioned \$7,610 of bond related costs because they are a normal expense of government. We agree with this decision.

Note 5 questioned \$5,987 for building permits for both 10% I/A and 75% funding because they are a normal expense of government. We concur with this finding.

Note 6 questioned costs of \$217,059 for equipment as follows: \$147,481 was questioned as unsupported because, although it appeared that the equipment was competitively bid, either only one bid was received or the specifications were written so specifically that only one bid met them. We are reinstating these costs because the audit report stated that the items were competitively bid. No

evidence was presented that the specifications were restrictive. \$29,072 was questioned for items found to be unnecessary or unreasonable items. We do not concur with this finding since the items have been reviewed and found to be necessary for a plant of this complexity.

We do not concur with the finding that \$21,357 for two cargo vans is unallowable. Normally such equipment is unallowable; however, since these vans were purchased for the purpose of collecting and transporting samples under the City's pretreatment program they are eligible. The large industrial population requires that complex testing be conducted, and the vans are required as a part of this process. We are reinstating the cost of the vans.

The summary of costs for this portion of the grant is shown on Attachment 5.

Exhibit C-2

Under Note 1 costs in the amounts of \$17,469 and \$1,668 were disallowed because they were related to the coincineration project which was not within the scope of the grant. Further, adequate documentation was not provided to support these costs. We concur with this finding.

Note 2 questioned \$256,513 representing the amount claimed for EPA's portion of site preparation for the sludge dewatering facilities under contract S-1. These costs are ineligible because the coincineration project, of which contract S-1 was a part, was not within the scope of the grant.

Our summary of costs allowed for this portion of the grant are shown on Attachment 6.

SUMMARY OF FINAL DECISIONS:

C470247-01	(Attachment 1)	\$ 177,394
C470247-01	(Attachment 2)	500,731
C470386-01	(Attachment 3)	902,516
C470386-02	(Attachment 4)	666,017
C470386-02	(Attachment 5)	82,716
C470386-03	(Attachment 6)	<u>234,303</u>

TOTAL

\$ 2,563,677

These computations result in an overpayment to you of \$2,563,677. To correct this overpayment, please remit a check made payable to the Environmental Protection Agency and mailed to the address given below.

Environmental Protection Agency
P. O. Box 100142
Atlanta, Georgia 30384

Your response should reference the grant number and must be received within thirty days of the date of this letter.

The decisions in this letter will constitute the final agency action on these audit findings. If you consider these determinations to be in error, you may file a request for a disputes review by registered mail, return receipt requested, within thirty calendar days of the date of this letter. Below is the address for filing the request for a disputes review.

Regional Administrator
U. S. Environmental Protection Agency
345 Courtland Street, NE
Atlanta, GA 30365

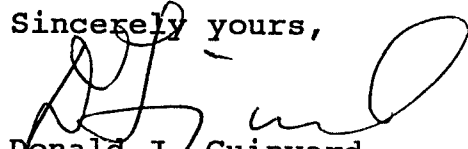
A copy of your request should also be sent to Mr. Terry Dempsey, Grant Policy and Audit Management Unit, at the above address.

In the event you decide to request a disputes review, you must submit a copy of this decision letter, a statement of the amount in dispute, a description of the issues involved, and a complete, concise statement of your objections to any or all of these final decisions.

You are also advised that EPA will charge interest on the balance due if you fail to pay within thirty days from the date of this letter even if you request a disputes review of this decision. Only full payment of the balance due within 30 days from the date of this letter will prevent EPA from charging you interest. There are no exceptions to this requirement.

The interest rate to be charged will be the rate established by the Secretary of the Treasury in accordance with the Treasury Fiscal Requirements Manual 6-8020-20. The rates are published quarterly in the FEDERAL REGISTER. The interest rate at which you would be assessed on the balance due at the end of the thirty day period is 6.0% per annum.

Sincerely yours,


Donald J. Guinyard
Assistant Regional Administrator
Office of Policy and Management

cc: TDHE
Mary Boyer - OIG

CITY OF MEMPHIS

	Requested	Accepted	Ineligible	Note
Effluent Pump Station	\$ 1,726,959	\$ 1,726,959		
Electrical Reliability	1,553,067	1,553,067		1
Nonconnah 1	3,301,733	3,300,647	1,086	2
Nonconnah 2	2,515,152	2,515,152		
Nonconnah 3	3,817,226	3,817,226		
Nonconnah 4	2,029,420	2,029,420		
Nonconnah 5	1,594,786	1,594,786		
Nonconnah Extension	649,238	600,365	48,873	3
Hurricane Creek	147,819	89,591	58,228	4
1 B Flow Metering	19,942	19,492	450	5
1 D South Pumping Station	2,758,930	2,758,930		
1 D South Plant	15,044,905	14,946,908	97,997	6
North Plant	39,323,573	39,200,350	123,223	7
Loosahatchie Interceptor 1	5,365,265	5,365,265		
Loosahatchie Interceptor 2	2,922,264	2,922,264		
Loosahatchie Interceptor 3	<u>3,876,398</u>	<u>3,876,398</u>		
Eligible Unclaimed Costs		7,322		
Total	\$86,646,677	\$86,324,142	\$ 329,857	
Federal Share @ 55%	\$47,655,672	\$47,478,278	\$ 181,421	
Payments		<u>47,655,672</u>		
BALANCE DUE EPA		\$ 177,394		

CITY OF MEMPHIS

A/E Basic Fees	Requested	Accepted	Ineligible	Note
Nonconmah 1-5	\$ 387,400	\$ 387,400	\$	
South Plant	736,729	695,788	40,941	1
North Plant	1,685,053	1,522,785	162,268	2
Loosahatchie Interceptor	543,115	505,925	37,190	3
Electrical Reliability	68,052	68,052		
Effluent Pump Station	114,325	112,833	1,492	4
Engineering - Inside	159,915		159,915	5
Inspection - Inside	337,766		337,766	5
Alternative Power Source	383,327	383,327		6
Administrative Expense	<u>170,848</u>		<u>170,848</u>	7
Total	\$4,586,530	\$3,676,110	\$910,420	
Federal Share @ 55%	\$2,522,592	\$2,021,861	\$500,731	
Payments		<u>2,522,592</u>		
BALANCE DUE EPA		\$ 500,731		

CITY OF MEMPHIS

	Requested	Accepted	Ineligible	Note
Administrative Expense	\$ 72,733	\$	\$ 72,733	1
A/E Basic Fees				
Atoka Big Creek Update	9,700	9,700		
Munford SSES	37,568	37,568		
Cloverhaven SSES	31,541		31,541	2
Memphis SSES	1,299,079	1,291,379	7,700	3
201 Study	1,223,479	482,733	740,746	4
Millington SSES	180,973	180,973		
Bartlett SSES	98,785		98,785	5
Equipment	<u>251,851</u>		<u>251,851</u>	6
Total	\$3,205,709	\$2,002,353	\$1,203,356	
Federal Share @ 75%	\$2,404,281	<u>\$1,501,765</u>	\$ 902,517	
Payments		<u>2,404,281</u>		
BALANCE DUE EPA		\$ 902,516		
		=====		

CITY OF MEMPHIS

	Requested	Accepted	Ineligible	Note
Basic Fees				
Company A - Phase A	\$ 678,748	\$ 675,932	\$ 2,816	1
Company A - Phase B	597,738		597,738	2
Company A - Term. Agmt	182,994		182,994	3
Company B - Memphis State	40,341	40,341		
Value Engineering	<u>20,044</u>	<u>20,044</u>		
Total	\$1,519,865	\$ 736,317	\$ 783,548	
Federal Share @ 75%	\$1,291,886	<u>\$ 625,869</u>	\$ 666,017	
Payments		<u>1,291,886</u>		
BALANCE DUE EPA		\$ 666,017		

CITY OF MEMPHIS

	Requested		Accepted		Ineligible		Note
	10%	75%	10%	75%	10%	75%	
Basic Engineering	\$ 431,871	\$ 965,356	\$ 431,871	\$ 958,795	\$	\$ 6,561	1
Other A/E Fees	891,049	891,049	891,049	891,049			
Construction:							
Primary Clarifiers		6,805,999		6,743,323		62,676	2
Admin. Bldg. Mods		761,031		734,374		26,657	3
Computer Mods		646,339		638,729		7,610	4
Secondary Treatment							
Mods							
Equipment	7,549,690	7,549,690	7,543,703	7,543,703	5,987	5,987	5
		217,059		217,059			6
TOTAL	\$8,872,610	\$17,836,523	\$8,866,623	\$17,727,032	\$ 5,987	\$109,491	
FEDERAL SHARE	\$ 887,261	\$13,377,392	\$ 886,662	\$13,295,274			
PAYMENTS							
			887,261	13,377,391			
BALANCE DUE EPA			\$ 599	\$ 82,117			
TOTAL DUE EPA			\$ 82,716				

CITY OF MEMPHIS

	Requested	Accepted	Ineligible	Note
Basic Fees				
Company B	\$ 17,469	\$	\$ 17,469	1
Other A/E Fees - Force Account Surveying	1,668		1,668	1
Construction and Project Improvement - Site Preparation	<u>256,513</u>	<u> </u>	<u>256,513</u>	2
Total	\$275,650	\$	\$275,650	
Federal Share @ 85%	\$234,303	\$	\$234,303	
Payments		234,303		
BALANCE DUE EPA		\$ 234,303		



RICHARD C. HACKETT - Mayor
JAMES E. BROUGHTON - Chief of Staff
DIVISION OF PUBLIC WORKS
BENNY O. LENDERMON - Director

TENNESSEE

September 10, 1991

Mr. William Gardner
Mr. Mario Machado
Environmental Protection Agency
Region IV, Water Management Division
345 Courtland Street, N. E.
Atlanta, Georgia 30365

Dear Sirs:

The City of Memphis has reviewed the Report on Final Audit of EPA Construction Grants Nos. C470247-01 and C470386-01,02, and 03 for the period March 16, 1970 to June 30, 1989. These grants are quite large and very old. Understandably, in consideration of these facts, the auditors have had some difficulty putting together all the pieces. This is obvious as you read the report on the final audit.

The vast majority of the costs listed in the report on the final audit as ineligible, unsupported, or unnecessary/unreasonable are in fact eligible, supported, necessary and reasonable as the City will attempt to briefly illustrate through this communication. Please understand that supporting documentation for issues remaining, as per the report on the final audit, is very voluminous. In fact it is quite impractical to send the vast amount of supporting documentation with this report. It is requested therefore that representatives from the City of Memphis be allowed to present the City's case to you and/or your staff at your earliest convenience so that all matters related to this audit can be resolved as soon as possible.

Your time and consideration relative to this audit is greatly appreciated. I hope the attached explanations will provide a good beginning for our subsequent meeting.

Sincerely,

BENNY LENDERMON, P.E.
PUBLIC WORKS DIRECTOR

BL:mrh

c: Mayor Dick Hackett
John Pontius

Response to Report on Final Audit

Notes Regarding Exhibit A-1

Grant No. C470247-01

Note 1

The selection process undertaken to determine that McCrory Electric would be the contractor for this job is documented in voluminous volumes. EPA took part in and approved the selection of McCrory Electric as the contractor. The City of Memphis would welcome the opportunity to share this documentation with you and provide you with a full explanation of the proceedings, all of which were proper and above board. The selection, in fact, was not arbitrary, but was made with the intent of meeting the requirements and deadlines set forth in the consent decree issued against the City by EPA. The City took the consent decree and its deadlines seriously, as did EPA at that time. By rejecting the low, nonresponsible bidder the City and EPA kept the progress toward meeting the consent decree deadlines on schedule.

Note 3 and 4

The "allowance for extra work" contained in the contracts for both the Nonconnah Interceptor Extension and the Hurricane Creek Sewer were parts of the contract only to allow ease of contract administration in the event of change orders only insofar as City of Memphis internal contract administrative procedures were concerned. Before any money within the "allowance for extra work" was requested for disbursement all EPA contract administrative procedures were followed. This means that all appropriate change orders were issued and approved by EPA before any of the "allowance for extra work" was requested. The City welcomes the opportunity to show you the paper work which will verify the manner in which these contracts were administered.

Note 6

The primary question in this note concerns a response to a change order that was apparently lost or forgotten by EPA. The City of Memphis feels it appropriate that EPA should share in the responsibility of resolving this problem appropriately.

Note 7

The City of Memphis requests that auditors provide the City with a copy of the TDHE eligibility summary referred to in the report on the final audit so that the City will have access to as much information as possible in order to resolve this issue.

Exhibit B-1

Note 1

This grant was originally issued under PL-660 and was intended to include design and construction. Subsequently PL-92500 came along, as did Steps I, II, III, etc. The City of Memphis welcomes the opportunity to present its proof to EPA regarding this issue.

Note 2

Construction inspection costs were addressed in the interim audit of several years ago. At that time the interim audit approved costs associated with inspector's time on the job, but disapproved mileage claims. The City welcomes the opportunity to sort this out with your staff.

Note 3

This is another instance of a grant issued originally under PL-660 for design and construction. The City welcomes the opportunity to discuss this issue with you.

In regard to "unsupported" costs of \$111,740 for a/e basic fees in connection with the Loosahatchie Interceptor, the City of Memphis feels it will be able to produce documents signifying EPA approval of these costs.

Note 5

Questions regarding this issue were adequately answered to EPA's satisfaction in the interim report of several years ago. The City welcomes the opportunity to review these issues with you once again. The previous audit approved \$200,000 of these costs. The City has the time sheets available that should verify and even increase this amount.

Note 6

The sole source used in this contract to provide alternative power was done with full knowledge of EPA and the TDHE and was fully approved by those agencies for good reason as the City is prepared to show.

Note 7

EPA and Department of Interior officials previously advised the City of Memphis that Bond sale expenses are eligible. The City feels

it has more than adequate documentation to support these costs.

Exhibit A-1

Grant No. C470386-01

Note 1

The City feels that adequate documentation exists to support the administrative costs. The City has all necessary time sheets.

Note 2

The City should be able to provide a copy of the bilaterally executed contract.

Note 3

Computer usage costs were approved and were much less expensive than any other alternative.

Note 4

The original engineering contract was amended under the guidance and direct approval of EPA to include design services.

The City requests a copy of the April 19, 1979 memo referred to in the audit report's notes. The City is confident that it can prove that all aspects of this issue were approved by the EPA and TDHE. The City surmises that the referenced memo is an opinion expressed by a TDHE staff member that was not acting in a decision making capacity.

Note 5

The City should be able to locate the bilaterally executed contract.

Note 6

Purchase of rain gauges and flow meters was determined to be much more cost effective than renting these devices from a contractor. The purchase of rain gauges and flow meters was not only approved by EPA and TDHE, but it was their idea and recommendation in the first place. The City welcomes the opportunity to document these facts to your staff in person.

Exhibit B-1

Grant No. C470386-02

Note 2

The City requests a copy of the February 1, 1983 memo. Again it is likely that this memo represents an opinion of a TDHE staff member who was not serving in a prime decision making role. In fact EPA officials made the final decisions in regard to the engineering contracts in question. Once again the City is confident it can produce the documentation which in an across-the-table setting will satisfy you that these costs are indeed eligible.

Note 3

The engineering contract termination agreement was negotiated with EPA's approval and input. The City is prepared to show documentation as is necessary to prove this point. In fact the EPA Regional Administrator rescinded certain special conditions of the grant agreement in order to save EPA and the City hundreds of millions of dollars.

Exhibit C-1

Grant No. C470386-03

Note 1

The factory acceptance test was delayed for good reason with the full knowledge and approval of the Corps of Engineers. The City welcomes the opportunity to present the evidence regarding this matter.

Note 2

There is no question that the installation of the impellers was a justifiable and eligible cost, even though it was an interim measure. In the City's discussions with EPA it was agreed that this expense would be EPA funded. The interim impeller installation was for the purpose of allowing the treatment plant to meet effluent standards until the next EPA funded construction contract was completed.

Note 3

The reroofing costs were considered eligible in the City's previous discussions with EPA due to the determination that it was not feasible to re-roof only a portion of the building and all the roof should be replaced in order to protect the new lab facilities.

Note 6

The City takes issue with the auditors ruling in regard to the pretreatment equipment. These procurements were done with the full knowledge and approval of the regulatory authority. In fact most of the procurement was the idea of the regulatory authority insofar as what type and quantity of equipment should be purchased and how it should be purchased. The City has ample documentation to back up this claim.

Exhibit C-2

Grant No. C470386-03

Note 2

The \$275,650 is a part of grant conditions that were rescinded with full EPA approval and participation which the City of Memphis stands ready to provide evidence of.

City of Memphis

TENNESSEE



DR. W. W. HERENTON - Mayor
DAVID F. HANSEN - Chief Administrative Officer

DIVISION OF PUBLIC WORKS
BENNY LENDERMON - Director

Environmental Engineering

June 30, 1992

Certified Mail
P292239619

Attn: Ed Springer
U. S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Re: Audit Report S2CWN8-04-0309-1300093
Construction Grants C470247-01, C470386-01, 02, and 03

Dear Mr. Springer:

In regard to Mr. Donald Guinyard's final determination letter pertaining to the grants listed above, which letter was received by the City of Memphis on about June 15, 1992, there are several errors within the letter which need to be brought to your attention. These errors are as follows:

- 1) On page 5 of the letter, in regard to grant #C470386-02, exhibit B-2 should actually be exhibit B-1.
- 2) On page 5 of the letter, in regard to Grant #C470386-03, Exhibit C-1, Note 2 it is mistakenly stated that \$62,676 was for fees or permits. In reality \$53,218 was for fees and permits. The other \$9,458 was for pump impellers. The figures are accurately stated in the State of Tennessee Audit Report, but are inaccurately stated in the EPA final determination letter.
- 3) The letter is not dated.

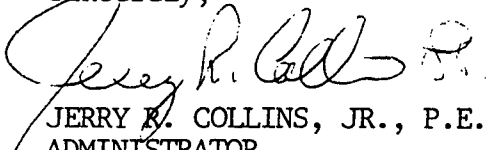
On another issue you should be aware that EPA is withholding \$204,750 in grant payments with regard to grant #C470386-03 until such time as all audit issues are resolved. Therefore, when the City of Memphis officially files a request for disputes review and EPA begins charging interest on the amount allegedly overpaid, then the \$204,750 should be

EPA
6/30/92
Page 2

subtracted from the allegedly overpaid amount to which interest would be charged.

Please call me if you have any questions in regard to these matters.

Sincerely,



JERRY R. COLLINS, JR., P.E.
ADMINISTRATOR
ENVIRONMENTAL ENGINEERING

JRC:mrh

c: Benny Lendermon
Mary Williams



TENNESSEE

DR. W. W. HERENTON - Mayor
DAVID F. HANSEN - Chief Administrative Officer
DIVISION OF PUBLIC WORKS
BENNY O. LENDERMON - Director

June 30, 1992

Attn: Ed Springer
U. S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Certified Mail
P292239620

Re: Audit Report S2CWN8-04-0309-1300093
Construction Grants C470247-01, C470386-01, 02, and 03

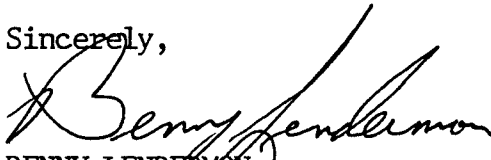
Dear Mr. Springer:

As per your phone conversation with Jerry Collins of my staff on June 30, 1992 I hereby formally request that the "thirty calendar days of the date of this letter" deadline referred to in Mr. Donald Guinyard's final determination letter to Mayor Richard C. Hackett be changed to sixty days from the date the City of Memphis received the letter from Mr. Guinyard. This would result in a deadline date of August 15, 1992. There are several reasons for this requested time extension including the following:

- 1) Mr. Guinyard's letter was not dated.
- 2) The letter was received by our new Mayor, Dr. W. W. Herenton, of the City of Memphis on approximately June 15, 1992.
- 3) The magnitude of the documentation on file in regard to the above listed grants is huge. It will require, therefore, more than the normal 30 days to prepare all appropriate documentation for a request for a disputes review.

I hope you will favorably consider this request. I would urge your expeditious response.

Sincerely,



BENNY LENDERMON
PUBLIC WORKS DIRECTOR

c: Jerry Collins ✓
Mary Williams



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

AUG 6 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Richard C. Hackett
Mayor and Board of Councilmen
City of Memphis
125 Mid-America Mall
Room 608
Memphis, TN 38103

Dear Mayor Hackett:

The enclosed document indicates that your account has been outstanding for over 30 days. We are charging interest at the rate of 6.0 percent per annum for each day your payment is overdue, beginning with the due date of the bill.

A summary of your account as of (31st day after original bill date) is as follows:

Original Debt	\$	2,563,677.00
Interest from 6/10/92 to 8/6/92 at 6.0 % per annum	\$	24,021.30
Total Debt	\$	2,587,698.30

To avoid additional charges, please mail your check or money order immediately, make payable to the U. S. Environmental Protection Agency, to the following address:

Environmental Protection Agency
Region IV
P. O. Box 100142
Atlanta, GA 30384

Should you have any questions regarding this debt, your inquiry should be directed to Kim Jones at 404-347-3278.

Sincerely yours,

Carol A. Williams
Carol A. Williams
Accounting Officer

Enclosure

ACTION: R TABLEID: OBLI USERID: JONE S444

*** OBLIGATION ACCOUNTING LINE INQUIRY SCREEN ***

KEY IS TRANS CODE, ORDER NUMBER, LINE NUMBER

TRANS CODE: CG ORDER NUMBER: 0047024701

01- LINE NO: 001 BFYS: 80 APPR: T589

DESCR: RQ04T40002

RPID: 04

PO LINE AMT: 4,812,563.00

BUDGET ORG: 04808

CLOSED AMT: 4,812,563.00

COST ORG:

EXPENDED AMT: 4,812,563.00

PE: 589

OUTSTANDING AMT: 0.00

BOC: 4111

REPT CATG:

SITE/PROJECT:

LAST CHANGE STATUS:

02- LINE NO:

BFYS:

APPR:

DESCR:

RPID:

PO LINE AMT:

BUDGET ORG:

CLOSED AMT:

COST ORG:

EXPENDED AMT:

PE:

OUTSTANDING AMT:

BOC:

REPT CATG:

SITE/PROJECT:

LAST CHANGE STATUS:

02-*L009 HEADER CHANGE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

Reconciled By: *[Signature]* *[Signature]* *[Signature]*
Date: 6/23/92 5/21/93 4/15/93 7/22/93

Reconciled By: *[Signature]* *[Signature]* *[Signature]*
Date: 9/16/93 11/27/93 11/7/93 10/2/93

IB

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 10 1992



041213093

Honorable Richard C. Hackett
Mayor and Board of Councilmen
City of Memphis
125 Mid-America Mall
Room 608
Memphis, TN 38103

Re: Audit Report S2cWN8-04-0309-1300093
Construction Grants C470247-01, C470386-01, 02, and 03

Dear Mayor Hackett:

Enclosed is a copy of the above referenced audit report on the Construction Grants listed above as prepared by the Comptroller of the Treasury of the State of Tennessee for the Environmental Protection Agency's Office of the Inspector General (OIG). Please refer to the report for the OIG's explanation of the audit findings for these grants.

We have carefully reviewed the report and our files to make our final determination concerning the costs questioned in the report. These decisions are discussed in the following paragraphs.

C470247-01 - Exhibit A-1

Note 1 questioned costs of \$47,780 which represented the amount by which the accepted bid for the electrical reliability contract exceeded the low bid. This decision went through protest procedures and was upheld by the Mayor of Memphis and approved by EPA in a letter dated September 26, 1980; therefore, we are reinstating these costs.

We concur with the finding in Note 2 which questioned costs of \$1,086 for change order 3 for which no evidence of approval was found.

Under Note 3 we concur with the eligibility determination made by the Tennessee Department of Health and Environment (TDHE) which resulted in \$48,873 of ineligible costs incurred and claimed under a contract "allowance for extra work."

Reconciled By: *[Signature]* *[Signature]* *[Signature]* *[Signature]*
Date: 6/23/92 7/23/92 8/24/92 9/18/92 10/24/92

Reconciled By: *[Signature]* *[Signature]* *[Signature]* *[Signature]* *[Signature]*
Date: 6/23/92 11/20/92 12/22/92 1/21/93 2/19/93 3/17/93 4/19/93

Note 4 questioned costs of \$58,228 representing amounts for the original contract and change orders 1 and 2 which were determined to be unallowable according to a TDHE eligibility summary. We concur with this finding.

Under Note 5 we agree that \$450 is ineligible for EPA participation because the amount claimed is in excess of the final contract of \$19,492.

Under Note 6 \$99,997 was questioned as follows: \$89,304 for an ineligible increase in change order 5 which was not properly reflected in the amount claimed; \$6,025 representing costs identified as ineligible in change orders 3 and 4; a \$2,000 increase from change order 10 which was not approved by TDHE; and, \$2,668, the net decrease of change order 10, which was not removed from the costs claimed as eligible. We have determined that the \$2,000 for which approval was not located is eligible for EPA participation; therefore, \$97,997 is the total disallowed under this note.

We concur with the ineligible questioned costs \$123,223 under Note 7 which represent the difference between the total identified as eligible by a TDHE eligibility summary plus \$2,591 identified by the interim audit because of lack of support.

Note 8 identified \$7,322 as eligible construction fees had they been claimed. We are reinstating these costs.

Under Note 9 the audit noted that no cutoff date had been established for the construction contracts; however, no costs were questioned as result of this finding.

Our final calculations for this grant are shown on Attachment 1.

C470247-01 - Exhibit B-1

Under Notes 1 and 3 to exhibit B-1, the audit questioned \$480,000 and \$280,600 as ineligible because the grant was awarded for Step III costs and design services were not within the scope of the grant. We disagree with this finding because this grant was funded under Public Law 84-660 which allowed design services to be included as eligible costs; therefore, we are reinstating the \$480,000 questioned under Note 1 and a portion of the costs questioned under Note 3 as eligible for EPA participation.

Costs of \$40,941 were also questioned under Note 1 as unsupported since no documentation was provided to support these costs. We concur with this finding.

Note 2 questioned costs of \$162,268 or basic engineering fees and inspection charges for the North plant as unsupported because no

evidence was found of payment or evidence of a contract. We concur with this finding.

Note 3 questioned \$280,600 for design fees for the Loosahatchie interceptor construction as ineligible because design costs are not eligible under the grant. As explained in Note 1 we are accepting \$275,320 of these fees as eligible and disallowing \$5,280 for lack of documentation of payment. The audit questioned \$6,000 and \$9,600 as not being supported by cost detail and in addition, the audit stated that a portion of these costs appeared to have been incurred for easement surveys which are ineligible. A portion of the \$9,600 was also disallowed because no documentation was available to support payment of \$5,280. We are reinstating the costs questioned for lack of cost documentation since this was not a requirement for contract amendments under this grant. Since the audit was not clear on the nature of the easement costs, we are disregarding this part of the finding. These findings result in EPA eligible design costs of \$275,320 with \$5,280 of the costs remaining questioned due to lack of documentation to support payment.

Basic fees questioned for the Loosahatchie interceptor were \$111,740. \$79,830 was questioned because pricing details were not presented on EPA 5700-41 forms. This consisted of \$57,819 for general supervision and \$22,011 for inspection fees. EPA Forms 5700-41 were not required under PL 84-660 grants; therefore, we are reinstating these costs. \$7,322 was questioned as incurred after the approved contract completion date. We concur with this finding.

The final finding under Note 3 questioned \$24,588 as unsupported due to the lack of documentation of component charges, evidence supporting payment was lacking or contract information was not available. We concur with this findings since all costs must be supported.

These determinations concerning basic fees result in accepted fees of \$79,830 and questioned costs of \$31,910 (\$7,322 + \$24,588).

As discussed under Note 4 we concur that \$1,492 is ineligible because the costs claimed were in excess of the costs incurred for engineering fees in connection with the effluent pumping station contract 11.

Under Note 5 we concur that \$159,915 and \$337,766 for basic engineering and resident inspection performed by force account is ineligible because no documentation was provided to support these costs nor was evidence provided that the force account work was approved.

Under Note 6 the audit disallowed \$383,327 for the alternative power source because the purchase was not made in accordance with

40 CFR 35.938-4 and 5. This grant was funded as a PL 84-660 and the recipient is not required to comply with these regulations; also, the power company was the only approved source, therefore, since the audit gave no additional reasons for disallowing these costs, we are reinstating them.

Note 7 questioned as unsupported \$170,848 for bond sale expenses because documentation was not provided of either the specific expenditures claimed or evidence that the proceeds were deposited or used for this project. We agree with this finding.

The costs incurred, accepted and questioned under Exhibit B-1 are summarized on Attachment 2.

C470386-01 - Exhibit A-1

Note 1 questioned costs of \$72,733 for force account work because there were no time sheets and canceled payroll checks to support the claim. We concur with this finding.

We concur with the finding under Note 2 which questioned \$31,541 representing the Cloverhaven sewer system evaluation survey fees for which a bilaterally executed contract was not provided.

We agree with Note 3 which questioned \$51,080 representing fees for the Memphis sewer system evaluation. Of this amount \$7,700 was determined ineligible during the proposal review dated July 28, 1981, and the remainder of the total, \$43,380, was ineligible because the fees were incurred after the expiration of the budget period for this grant. We concur that \$7,700 is ineligible; however, we are approving a budget extension and accepting the \$43,380 as eligible for EPA participation.

Under Note 4 we concur that \$740,746 is ineligible for the following reasons: \$3,400 was the claimed portion of an \$8,300 fee designated as ineligible by EPA in a memorandum dated April 19, 1979; the remaining costs, \$737,346, are ineligible because they consisted of costs for "... assisting the City in applying for federal and other available financial aid" which are an ordinary operating expense of municipal administration and not eligible for EPA participation and costs for "detailed design" services which were not covered by this grant.

We concur with the questioned costs under Note 5, \$98,785, representing Bartlett sewer system evaluation survey fees for which no bilaterally executed contract was provided.

Note 6 questioned \$251,851 for flow meters and rain gauges which should have been charged to EPA using an allowance method since the useful life of the equipment exceeded the requirements of the project. Of this amount \$17,465 was questioned because it represented excessive maintenance items or services for the flow

meters which should have been provided by the City as a normal function of administration. We concur with this finding.

Our summary of costs incurred, accepted and questioned for this grant are shown on Attachment 3.

C470386-02 - Exhibit B-2

Under Note 1 we concur that \$2,816 for engineering fees incurred for easement acquisition is ineligible according to 40 CFR 35.940-2-2(h).

Under Note 2 we concur that costs in the amount of \$597,738 representing engineering fees in connection with the phase B coincineration portion of the grant are ineligible since the project was canceled through no fault or requirement of EPA.

We agree with the findings of Note 3 which questioned as ineligible costs of \$182,994 representing costs claimed for terminating the remaining engineering contracts associated with the coincineration project.

Our calculations for this grant are shown on Attachment 4.

C470386-03 - Exhibit C-1

Under Note 1 we agree that \$6,561 is ineligible because these costs were incurred after the contract completion date.

Under Note 2 we concur that \$62,676 is ineligible because charges for fees or permits are considered a normal expense of government.

We agree with Note 3 that \$26,657 representing building permits and roof repair to the administration building is not eligible. Building permits are also considered a normal expense of government and the replacement of portions of the leaking roof is a maintenance expense and not eligible for EPA funding.

Note 4 questioned \$7,610 of bond related costs because they are a normal expense of government. We agree with this decision.

Note 5 questioned \$5,987 for building permits for both 10% I/A and 75% funding because they are a normal expense of government. We concur with this finding.

Note 6 questioned costs of \$217,059 for equipment as follows: \$147,481 was questioned as unsupported because, although it appeared that the equipment was competitively bid, either only one bid was received or the specifications were written so specifically that only one bid met them. We are reinstating these costs because the audit report stated that the items were competitively bid. No

evidence was presented that the specifications were restrictive. \$29,072 was questioned for items found to be unnecessary or unreasonable items. We do not concur with this finding since the items have been reviewed and found to be necessary for a plant of this complexity.

We do not concur with the finding that \$21,357 for two cargo vans is unallowable. Normally such equipment is unallowable; however, since these vans were purchased for the purpose of collecting and transporting samples under the City's pretreatment program they are eligible. The large industrial population requires that complex testing be conducted, and the vans are required as a part of this process. We are reinstating the cost of the vans.

The summary of costs for this portion of the grant is shown on Attachment 5.

Exhibit C-2

Under Note 1 costs in the amounts of \$17,469 and \$1,668 were disallowed because they were related to the coincineration project which was not within the scope of the grant. Further, adequate documentation was not provided to support these costs. We concur with this finding.

Note 2 questioned \$256,513 representing the amount claimed for EPA's portion of site preparation for the sludge dewatering facilities under contract S-1. These costs are ineligible because the coincineration project, of which contract S-1 was a part, was not within the scope of the grant.

Our summary of costs allowed for this portion of the grant are shown on Attachment 6.

SUMMARY OF FINAL DECISIONS:

C470247-01	(Attachment 1)	\$ 177,394
C470247-01	(Attachment 2)	500,731
C470386-01	(Attachment 3)	902,516
C470386-02	(Attachment 4)	666,017
C470386-02	(Attachment 5)	82,716
C470386-03	(Attachment 6)	<u>234,303</u>

TOTAL **\$ 2,563,677**

These computations result in an overpayment to you of \$2,563,677. To correct this overpayment, please remit a check made payable to the Environmental Protection Agency and mailed to the address given below.

Environmental Protection Agency
P. O. Box 100142
Atlanta, Georgia 30384

Your response should reference the grant number and must be received within thirty days of the date of this letter.

The decisions in this letter will constitute the final agency action on these audit findings. If you consider these determinations to be in error, you may file a request for a disputes review by registered mail, return receipt requested, within thirty calendar days of the date of this letter. Below is the address for filing the request for a disputes review.

Regional Administrator
U. S. Environmental Protection Agency
345 Courtland Street, NE
Atlanta, GA 30365

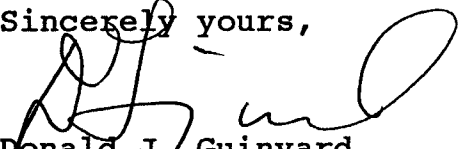
A copy of your request should also be sent to Mr. Terry Dempsey, Grant Policy and Audit Management Unit, at the above address.

In the event you decide to request a disputes review, you must submit a copy of this decision letter, a statement of the amount in dispute, a description of the issues involved, and a complete, concise statement of your objections to any or all of these final decisions.

You are also advised that EPA will charge interest on the balance due if you fail to pay within thirty days from the date of this letter even if you request a disputes review of this decision. Only full payment of the balance due within 30 days from the date of this letter will prevent EPA from charging you interest. There are no exceptions to this requirement.

The interest rate to be charged will be the rate established by the Secretary of the Treasury in accordance with the Treasury Fiscal Requirements Manual 6-8020-20. The rates are published quarterly in the FEDERAL REGISTER. The interest rate at which you would be assessed on the balance due at the end of the thirty day period is 6.0% per annum.

Sincerely yours,



Donald J. Guinyard
Assistant Regional Administrator
Office of Policy and Management

cc: TDHE
Mary Boyer - OIG

CITY OF MEMPHIS

	Requested	Accepted	Ineligible	Note
Effluent Pump Station	\$ 1,726,959	\$ 1,726,959		
Electrical Reliability	1,553,067	1,553,067		1
Nonconnah 1	3,301,733	3,300,647	1,086	2
Nonconnah 2	2,515,152	2,515,152		
Nonconnah 3	3,817,226	3,817,226		
Nonconnah 4	2,029,420	2,029,420		
Nonconnah 5	1,594,786	1,594,786		
Nonconnah Extension	649,238	600,365	48,873	3
Hurricane Creek	147,819	89,591	58,228	4
1 B Flow Metering	19,942	19,492	450	5
1 D South Pumping Station	2,758,930	2,758,930		
1 D South Plant	15,044,905	14,946,908	97,997	6
North Plant	39,323,573	39,200,350	123,223	7
Loosahatchie Interceptor 1	5,365,265	5,365,265		
Loosahatchie Interceptor 2	2,922,264	2,922,264		
Loosahatchie Interceptor 3	<u>3,876,398</u>	<u>3,876,398</u>		
Eligible Unclaimed Costs		7,322		
Total	\$86,646,677	\$86,324,142	\$ 329,857	
Federal Share @ 55%	\$47,655,672	\$47,478,278	\$ 181,421	
Payments		<u>47,655,672</u>		
BALANCE DUE EPA		\$ 177,394		

CITY OF MEMPHIS

A/E Basic Fees	Requested	Accepted	Ineligible	Note
Noncommah 1-5	\$ 387,400	\$ 387,400	\$	
South Plant	736,729	695,788	40,941	1
North Plant	1,685,053	1,522,785	162,268	2
Loosahatchie Interceptor	543,115	505,925	37,190	3
Electrical Reliability	68,052	68,052		
Effluent Pump Station	114,325	112,833	1,492	4
Engineering - Inside	159,915		159,915	5
Inspection - Inside	337,766		337,766	5
Alternative Power Source	383,327	383,327		6
Administrative Expense	<u>170,848</u>		<u>170,848</u>	7
Total	\$4,586,530	\$3,676,110	\$910,420	
Federal Share @ 55%	\$2,522,592	\$2,021,861	\$500,731	
Payments		<u>2,522,592</u>		
BALANCE DUE EPA		\$ 500,731		

CITY OF MEMPHIS

	Requested	Accepted	Ineligible	Note
Administrative Expense	\$ 72,733	\$	\$ 72,733	1
A/E Basic Fees				
Atoka Big Creek Update	9,700	9,700		
Munford SSES	37,568	37,568		
Cloverhaven SSES	31,541		31,541	2
Memphis SSES	1,299,079	1,291,379	7,700	3
201 Study	1,223,479	482,733	740,746	4
Millington SSES	180,973	180,973		
Bartlett SSES	98,785		98,785	5
Equipment	<u>251,851</u>		<u>251,851</u>	6
Total	\$3,205,709	\$2,002,353	\$1,203,356	
Federal Share @ 75%	\$2,404,281	<u>\$1,501,765</u>	\$ 902,517	
Payments		<u>2,404,281</u>		
BALANCE DUE EPA		\$ 902,516		
		=====		

CITY OF MEMPHIS

	Requested	Accepted	Ineligible	Note
Basic Fees				
Company A - Phase A	\$ 678,748	\$ 675,932	\$ 2,816	1
Company A - Phase B	597,738		597,738	2
Company A - Term. Agmt	182,994		182,994	3
Company B - Memphis State	40,341	40,341		
Value Engineering	<u>20,044</u>	<u>20,044</u>		
Total	\$1,519,865	\$ 736,317	\$ 783,548	
Federal Share @ 75%	\$1,291,886	<u>\$ 625,869</u>	\$ 666,017	
Payments		<u>1,291,886</u>		
BALANCE DUE EPA		\$ 666,017		

CITY OF MEMPHIS

	Requested		Accepted		Ineligible		Note
	10%	75%	10%	75%	10%	75%	
Basic Engineering	\$ 431,871	\$ 965,356	\$ 431,871	\$ 958,795	\$	\$ 6,561	1
Other A/E Fees	891,049	891,049	891,049	891,049			
Construction:							
Primary Clarifiers		6,805,999		6,743,323		62,676	2
Admin. Bldg. Mods		761,031		734,374		26,657	3
Computer Mods		646,339		638,729		7,610	4
Secondary Treatment							
Mods	7,549,690	7,549,690	7,543,703	7,543,703	5,987	5,987	5
Equipment		<u>217,059</u>		<u>217,059</u>			6
TOTAL	\$8,872,610	\$17,836,523	\$8,866,623	\$17,727,032	\$ 5,987	\$109,491	
FEDERAL SHARE	\$ 887,261	\$13,377,392	\$ 886,662	\$13,295,274			
PAYMENTS			<u>887,261</u>	<u>13,377,391</u>			
BALANCE DUE EPA			\$ 599	\$ 82,117			
TOTAL DUE EPA			<u>\$ 82,716</u>				

CITY OF MEMPHIS

	Requested	Accepted	Ineligible	Note
Basic Fees				
Company B	\$ 17,469	\$	\$ 17,469	1
Other A/E Fees - Force Account Surveying	1,668		1,668	1
Construction and Project Improvement - Site Preparation	<u>256,513</u>	<u> </u>	<u>256,513</u>	2
Total	\$275,650	\$	\$275,650	
Federal Share @ 85%	\$234,303	\$	\$234,303	
Payments		234,303		
BALANCE DUE EPA		\$ 234,303		
		=====		

U.S. ENVIRONMENTAL PROTECTION AGENCY EPA ASSISTANCE AGREEMENT/AMENDMENT PART I - ASSISTANCE NOTIFICATION INFORMATION					1. ASSISTANCE ID NO. C47 7-01-9		2. LOG NUMBER 4-C-007	
					3. DATE OF AWARD OCT 21 1991		4. MAILING DATE OCT 21 1991	
5. AGREEMENT TYPE				6. PAYMENT METHOD				
<input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Grant Agreement <input checked="" type="checkbox"/> Assistance Amendment				<input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Letter of Credit Send Payment Request To: Financial Management, EPA, Region IV				
8. RECIPIENT				9. PAYEE				
City of Memphis 125 N. Mid-America Mall Memphis, TN 38103 FY 7/1 - 6/30				N/A				
RECIPIENT ORGANIZATION	EIN NO.		CONGRESSIONAL DISTRICT		10. RECIPIENT TYPE			
	N/A		N/A		Municipality			
	11. PROJECT MANAGER AND TELEPHONE NO. The Honorable Richard C. Hackett Mayor of Memphis (901) 576-6500				12. CONSULTANT (WWT Construction Grants Only) N/A			
EPA CONTACT	13. ISSUING OFFICE (City/State) N/A				14. EPA PROJECT/STATE OFFICER AND TELEPHONE NO. N/A			
	15. EPA CONGRESSIONAL LIAISON & TEL. NO. N/A		16. STATE APPL ID (Clearinghouse) N/A		17. FIELD OF SCIENCE N/A		18. PROJECT STEP (WWT CG Only) 3	
19. STATUTORY AUTHORITY N/A		20. REGULATORY AUTHORITY N/A		21. STEP 2 + 3 & STEP 3 (WWT Construction Only)				
				a. Treatment Level		N/A		
				b. Project Type		N/A		
				c. Treatment Process		N/A		
				d. Sludge Design		N/A		
22. PROJECT TITLE AND DESCRIPTION This amendment is necessary to decrease unearned monies remaining in the grant.								
23. PROJECT LOCATION (Areas Impacted by Project)								
City/Place Memphis			County Shelby		State TN		Congressional District N/A	
24. ASSISTANCE PROGRAM (CFDA Program No. & Title) N/A			25. PROJECT PERIOD N/A			26. BUDGET PERIOD N/A		
27. COMMUNITY POPULATION (WWT CG Only) N/A			28. TOTAL BUDGET PERIOD COST N/A			29. TOTAL PROJECT PERIOD COST \$91,233,207		
FUNDS		FORMER AWARD		THIS ACTION		AMENDED TOTAL		
30. EPA Amount This Action		\$51,499,201		\$(1,320,937) Decrease		\$50,178,264		
31. EPA In-Kind Amount		N/A		N/A		N/A		
32. Unexpended Prior Year Balance		N/A		N/A		N/A		
33. Other Federal Funds		N/A		N/A		N/A		
34. Recipient Contribution		\$42,135,710		\$(1,080,767) Decrease		\$41,054,943		
35. State Contribution		N/A		N/A		N/A		
36. Local Contribution		N/A		N/A		N/A		
37. Other Contribution		N/A		N/A		N/A		
38. Allowable Project Cost		\$93,634,911		\$(2,401,704) Decrease		\$91,233,207		
39. FISCAL	Program Element	FY 1980	Appropriation 68X0103.3	Doc. Control No.	Account Number T589048008	Object Class 41.11	Obligation/Deoblig. Amount \$(1,320,937)	

TABLE A - OBJECT CLASS CATEGORY
(Non-construction)TOTAL APPROVED ALLOWABLE
BUDGET PERIOD COST

1. PERSONNEL
2. FRINGE BENEFITS
3. TRAVEL
4. EQUIPMENT
5. SUPPLIES
6. CONTRACTUAL
7. CONSTRUCTION
8. OTHER
9. TOTAL DIRECT CHARGES
10. INDIRECT COSTS: RATE % BASE
11. TOTAL (Share: Recipient _____ % Federal _____ %)

12. TOTAL APPROVED ASSISTANCE AMOUNT

\$ N/A

TABLE B - PROGRAM ELEMENT CLASSIFICATION
(Non-construction)

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12. TOTAL (Share: Recipient _____ % Federal _____ %)

13. TOTAL APPROVED ASSISTANCE AMOUNT

\$ N/A

TABLE C - PROGRAM ELEMENT CLASSIFICATION
(Construction)

	Previous	Revised
--	----------	---------

1. ADMINISTRATION EXPENSE	\$ 170,848	\$ 170,848
2. PRELIMINARY EXPENSE		
3. LAND STRUCTURES, RIGHT-OF-WAY		
4. ARCHITECTURAL ENGINEERING BASIC FEES	3,534,674	3,534,674
5. OTHER ARCHITECTURAL ENGINEERING FEES	159,915	159,915
6. PROJECT INSPECTION FEES	337,766	337,766
7. LAND DEVELOPMENT		
8. RELOCATION EXPENSES		
9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESSES		
10. DEMOLITION AND REMOVAL		
11. CONSTRUCTION AND PROJECT IMPROVEMENT	89,048,381	86,646,677
12. EQUIPMENT		
13. MISCELLANEOUS Cost	383,327	383,327
14. TOTAL (Lines 1 thru 13)	93,634,911	91,233,207
15. ESTIMATED INCOME (If applicable)		
16. NET PROJECT AMOUNT (Line 14 minus 15)	93,634,911	91,233,207
17. LESS: INELIGIBLE EXCLUSIONS		
18. ADD: CONTINGENCIES		
19. TOTAL (Share: Recipient ⁴⁵ % Federal ⁵⁵ %)	93,634,911	91,233,207
20. TOTAL APPROVED ASSISTANCE AMOUNT	\$51,499,201	\$50,178,264

b. SPECIAL CONDITIONS (Continued)

EPA REGION IV
ATLANTA, GA
DEC 5 3 13 PM '91
GRANTS AND AUDIT
MANAGEMENT SECTION

PART IV

NOTE: The Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters awards and to the appropriate Grants Administrations Office for State and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the recipient subsequent to the document being signed by the EPA Award Official which the Award Official determines to materially alter the Agreement shall void the Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers assistance/amendment to the City of Memphis

for 55 % of all approved costs incurred up to and not exceeding \$ 50,178,264

for the support of approved budget period effort described in application (including all application modifications)

Construction Grants for WWTW dated 4/7/70 included herein by reference.

ISSUING OFFICE (Grants Administration Office)	AWARD APPROVAL OFFICE
ORGANIZATION/ADDRESS Grants Administration Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30365	ORGANIZATION/ADDRESS Water Management Division Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30365

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL	TYPED NAME AND TITLE	DATE
<i>R. E. McRae for</i>	W. Ray Cunningham, Director, Wtr. Mgt. Div.	10/21/91

This Agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE	TYPED NAME AND TITLE	DATE
<i>Richard C. Hackett</i>	Richard C. Hackett, Mayor	10-25-91

PART III-AWARD CONDITIONS

a. GENERAL CONDITIONS

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter I, Subpart B. The recipient warrants, represents, and agrees that it, and its contractors, subcontractors, employees and representatives, will comply with: (1) all applicable provisions of 40 CFR Chapter I, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of Appendix A to 40 CFR Part 30, and (2) any special conditions set forth in this assistance agreement or any assistance amendment pursuant to 40 CFR 30.425.

b. SPECIAL CONDITIONS:

(For cooperative agreements include identification or summarization of EPA responsibilities that reflect or contribute to substantial involvement.)

1. The recipient is still responsible for any grant conditions which have not been satisfied on any previous agreements or amendments.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

August 31, 1987

Coopers and Lybrand
1000 Morgan Keegan Tower
50 N. Front Street
Memphis, TN 38103

Gentlemen:

This references your letter dated August 19, 1987. The grants listed below have had payments disbursed to the City of Memphis:

<u>Grant Number</u>	<u>Payments Disbursed 7/1/86 - 6/30/87</u>	<u>Payments Disbursed After 6/30/87</u>
C470247-01	\$ 554,554.00	\$ 107,435.00
C470386-01	47,583.00	33,104.00
C470386-03	613,281.00	-0-

There is not enough money left in the grant C470386-03 to disburse the payment of \$132,200.00.

Sincerely,

M. Watkins
Fiscal Assistant
Financial Management Unit

cc: Danny Wray, Comptroller
City of Memphis

RICHARD C. HACKETT
MAYOR

CITY of MEMPHIS



**DIVISION OF FINANCE
AND ADMINISTRATION**

OFFICE OF THE COMPTROLLER
Room 316
901-576-6651

August 19, 1987

Environmental Protection Agency
Financial Mgmt Branch
345 Courtland St. N.E.
Atlanta, Ga 30308

Dear Sirs:

Our accountants, Coopers and Lybrand, 1000 Morgan Keegan Tower, 50 N. Front St., Memphis, Tennessee 38103 are in the process of examining the financial statements of the City of Memphis for the year ended June 30, 1987. In conjunction with this examination, please confirm the following information directly to them. A stamped, self addressed envelope has been provided for you.

The amounts detailed below were due to the City of Memphis-Capital Projects Fund from Federal EPA Grants.

Date Billed	Description	Grant#	Project#	Amount
July 1987	Nonconnah SSES	WPC470386-01	179846	\$ 32,535
July 1987	TE Maxson Pump State	WPC470247	179198	107,435
July 1987	TE Maxson Plant Exp.	WPC470386-03	179702	132,200
				<u>272,170</u>

If discrepancies between your records and ours exist, please detail them on a separate sheet.

Yours Truly,

for Danny Wray, Comptroller
City of Memphis

The above information is () correct () incorrect

Signature/Title _____ Date _____

COMPTROLLER
AUG 27 1 41 PM '87
EPA/REGION IV



RICHARD C. HACKETT
MAYOR

CITY of MEMPHIS



**DIVISION OF FINANCE
AND ADMINISTRATION**

OFFICE OF THE COMPTROLLER
Room 316
901-576-6651

August 19, 1987

Environmental Protection Agency
Financial Mgmt Branch
345 Courtland St. N.E.
Atlanta, Ga 30308

Dear Sirs:


Our accountants, Coopers and Lybrand, 1000 Morgan Keegan Tower, 50 N. Front St., Memphis, Tennessee 38103 are in the process of examining the financial statements of the City of Memphis for the year ended June 30, 1987. In conjunction with this examination, please confirm the following information directly to them. A stamped, self addressed envelope has been provided for you.

The amounts detailed below were due to the City of Memphis-Sewer Collection and Treatment Fund as of 6/30/87:

Expenditures related to Grant no. C470386-03	
As of 6/30/87 (Pollution Control)	<u>90,349.68</u>
Billed July 1987	

Please give details below of any discrepancies between our records and your records. Your prompt attention to this matter would be greatly appreciated.

Yours Truly,


for Danny Wray, Comptroller
City of Memphis

The above information is () correct () incorrect

Signature/Title _____ Date _____



U.S. ENVIRONMENTAL PROTECTION AGENCY ASSISTANCE AMENDMENT <i>(Optional)</i> <i>(Please read instructions on reverse)</i>	ASSISTANCE I.D. NO. C470247-01 AMENDMENT NO. 8
---	---

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION		
APPROPRIATION AND ACCOUNTING DATA		
APPROPRIATION NUMBER N/A	ACCOUNT NUMBER NO MONEY CHANGE	OBJECT CLASS CODE 41.11

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.900 "PROJECT CHANGES AND ASSISTANCE MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL ASSISTANCE AMENDMENTS," THE ABOVE NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

This amendment is necessary to extend the project budget period from 3/26/70 - 9/30/83
3/26/70 - 6/30/86.


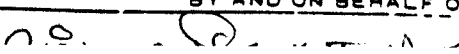
No date reflected in the grant agreement, or in the project completion schedule, or extension of any such date, shall modify any compliance date established in an NPDES Permit. It is the grantee's obligation to request any required modification of applicable permit terms or other enforcement requirements.



The grantee is still responsible for any conditions which have not been satisfied on any subsequent amendments or agreements. This amendment does not represent a change in funds.

"No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607 (a) of Public Law 96-74."

AWARD APPROVAL OFFICE		ISSUING OFFICE	
ORGANIZATION Water Management Division		ORGANIZATION Water Management Division	
ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street Atlanta, Georgia 30365		ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street Atlanta, Georgia 30365	
NAME		ADDRESS	
City Of Memphis		125 North Main Street Memphis, Tennessee 38103	

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
SIGNATURE OF AWARD OFFICIAL 	TYPED NAME AND TITLE Paul J. Traina, Director, Water Mgmt. Div.	DATE SEP 19 1984	
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION			
SIGNATURE 	TYPED NAME AND TITLE	DATE	

U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT AMENDMENT <i>(Optional)</i> (Please read instructions on reverse before completing)		GRANT NO. C470247-01 ENVIRONMENTAL ACTION 6
<p>NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance awards, within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Grant Amendment by the parties thereto.</p> <p>Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Grant Amendment by EPA.</p>		
GENERAL INFORMATION		
APPROPRIATION AND ACCOUNTING DATA		
APPROPRIATION NUMBER -----	ACCOUNT NUMBER -----	OBJECT CLASS CODE -----
DESCRIPTION OF AMENDMENT: PURSUANT TO EPA GRANT REGULATION 40 CFR 30.900 "PROJECT CHANGES AND GRANT MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL GRANT AMENDMENTS," THE ABOVE NUMBERED GRANT AGREEMENT IS AMENDED AS FOLLOWS:		
<p>Amendment issued for change in scope to include eligible electrical reliability modifications to the South Plant.</p> <p>Funds for this work will be allocated from the contingency funds in this grant.</p> <p>The current estimated final eligible cost remains at \$94,296,827 and the EPA Grant at \$51,863,254.</p>		
AWARD APPROVAL OFFICE		ISSUING OFFICE
ORGANIZATION Regional Administrator		ORGANIZATION Water Division
ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E., Atlanta, Georgia 30308		ADDRESS Environmental Protection Agency, Region I 345 Courtland Street, N.E. Atlanta, Georgia 30308
GRANTEE ORGANIZATION		
NAME City of Memphis		ADDRESS 125 North Main Street Memphis, Tennessee 38103
Except as provided herein all terms and conditions of the basic grant agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.		
FOR THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY		
SIGNATURE OF AWARD OFFICIAL 	TYPED NAME AND TITLE Rebecca W. Hanmer, Regional Administrator	DATE 11/1/80
BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATION		
SIGNATURE 	TYPED NAME AND TITLE Wyeth Chandler, Mayor	DATE 11/1/80

FMO
08246



U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOTIFICATION OF GRANT ASSISTANCE ACTION - Construction
(Decreases/Declinations/Withdrawals)

1. EPA OFFICE OF LEGISLATION CONTACT Pat Gaskins		TELEPHONE (202) 755-0488		2. ASSISTANCE AGREEMENT/AMENDMENT TO BE MAILED TO APPLICANT ON OR AFTER:	
3. ISSUING OFFICE EPA, Atlanta, GA 30365 Region IV				4. LOG NUMBER Four C- 119	5. DATE OF ACTION 2/18/82
6. COMMUNITY REP. OR PROJECT DIRECTOR (Name, Title, Telephone)				7. RECIPIENT (Name, Street, City, State, ZIP Code, County, Cong. Dist.) City of Memphis 125 N. Main Street Memphis, Tennessee 38103 County - Shelby Cong. Dist. 08	
8. PROJECT LOCATION (Areas impacted by project)					9. RECIPIENT TYPE Municipality
CITY/PLACE		COUNTY		STATE	CONGRESSIONAL DISTRICT
10. COMMUNITY POPULATION		11. FIELD OF SCIENCE		12. PROJECT STEP 3	13a. EIN CODE Not Available
					13b. STATE APPLICATION I.D. Not Available
14. EPA CONTACT FOR PROJECT INFORMATION (Name, Title, Telephone)				15. ASSISTANCE I.D. NUMBER C470247-01-7	16. TYPE OF ASSISTANCE ACTION Decrease (Aug.)
				17. PROJECT PERIOD	18. BUDGET PERIOD
19. ASSISTANCE PROGRAM CFDA Program No. 66				20. ASSISTANCE MAKING AUTHORITY (P.L. Title, Section)	
21. FORMER AWARD		22. TOTAL PROJECT COST		25. FORMER ELIGIBLE COST	26. FORMER AWARD
AMT FEED FUNDS OTHER	\$	\$	ELIG COST PROJ	\$ 94,296,827	\$ 51,863,254
	THIS ACTION	23. TOTAL BUDGET COST		CHANGE IN ELIGIBLE COST	THIS ACTION
	\$	\$		\$ 661,916	\$ 364,053
	AMENDED TOTAL	24. UNEXPENDED PRIOR YR. BAL.		CURRENT ELIGIBLE COST	AMENDED TOTAL
\$	\$	\$ 93,634,911		\$ 51,499,201	
27. PROJECT TITLE AND DESCRIPTION Project scope amended to include the T. E. Maxson effluent pump station and related work. 228					
28. OTHER INFORMATION Decrease necessary due to adjustments in project costs.					
FISCAL DATA					
PROGRAM ELEMENT	FY	APPROPRIATION	DOC. CONTROL NO.	ACCOUNT NO.	OBJ. CLASS
		68X0103.3	0047024701 T50058	7766048008	41.11
					364,053

ASSISTANCE AMENDMENT
(Optional)
(Please read instructions on reverse)

C4/024/-01

AMENDMENT NO.

7

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION**APPROPRIATION AND ACCOUNTING DATA**

APPROPRIATION NUMBER

68X0103.3

ACCOUNT NUMBER

7766048008

OBJECT CLASS CODE

41.11

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.900 "PROJECT CHANGES AND ASSISTANCE MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL ASSISTANCE AMENDMENTS," THE ABOVE NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

Former Eligible Cost: \$94,296,827
Change In Eligible Cost: 661,916
Current Eligible Cost: 93,634,911

Former Award: \$51,863,254
This Action: 364,053
Amended Total: 51,499,201

Decrease necessary due to adjustments in project costs.

Project scope has been amended to include the T. E. Maxson effluent pump station and related work. See attachment.

Project/Budget Period

Initiation: 3/26/70

Completion: 9/30/83

AWARD APPROVAL OFFICE

ORGANIZATION

Regional Administrator

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street, NE
Atlanta, Georgia 30365

ISSUING OFFICE

ORGANIZATION

Water Management Division

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street, NE
Atlanta, Georgia 30365

RECIPIENT ORGANIZATION

NAME

City of Memphis

ADDRESS

125 N. Main Street
Memphis, Tennessee 38103

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL



TYPED NAME AND TITLE

Charles R. Jeter, Reg. Administrator

DATE

FEB 18 1982

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

DATE

ACTION: R TABLEID: OBLI USERID: JONE S444

*** OBLIGATION ACCOUNTING LINE INQUIRY SCREEN ***

KEY IS TRANS CODE, ORDER NUMBER, LINE NUMBER

TRANS CODE: CG ORDER NUMBER: 0047038602

01- LINE NO: 001 BFYS: 80 APPR: S779

DESCR: 0047038602

RPIO: 04

PO LINE AMT: 1,291,886.00

BUDGET ORG: 04808

CLOSED AMT: 1,291,886.00

COST ORG:

EXPENDED AMT: 1,291,886.00

PE: 779

OUTSTANDING AMT: 0.00

BOC: 4111

REPT CATG:

SITE/PROJECT:

LAST CHANGE STATUS:

02- LINE NO:

BFYS:

APPR:

DESCR:

RPIO:

PO LINE AMT:

BUDGET ORG:

CLOSED AMT:

COST ORG:

EXPENDED AMT:

PE:

OUTSTANDING AMT:

BOC:

REPT CATG:

SITE/PROJECT:

LAST CHANGE STATUS:

02-*L009 HEADER CHANGE

JOURNAL VOUCHER

J.V. No.: J2-157DATE: 6/22/92

REFERENCE	EXPLANATION	DEBIT	CREDIT
	<p>f V entered to convert Const. grant II</p> <p>470386-01 line 3 (92000980482) and 470386-02 line 1 (92000980475) obl - 2ap DD SV</p>	<p>1,153,776.</p> <p>1291.886.</p>	

Prepared by: Peggy Whitman
(Signature)Gen Mgmt Spec.
(Title)Approved by: Charles Walker
(Signature)Operating Accountant
(Title)

U.S. ENVIRONMENTAL PROTECTION AGENCY
EPA ASSISTANCE ACT AMENDMENT
PART I - ASSISTANCE APPLICATION INFORMATION

470386-02-4

3 OF AWARD
JUL 1984

Four C-202
4. MAILING DATE
JUL 1984

5. AGREEMENT TYPE		6. PAYMENT METHOD	
Cooperative Agreement		<input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Letter of Credit	
Grant Agreement		Send Payment Request To: Financial	
Assistance Amendment		EPA, Region IV Management	
7. TYPE OF ACTION		Augmentation <i>increase</i>	
RECIPIENT ORGANIZATION	8. RECIPIENT		9. PAYEE
	City of Memphis 125 N. Main Street, City Hall Memphis, TN. 38103		SAME <i>Cancelled 7/13/84 Per C. Lucius</i>
	EIN NO. N/A	CONGRESSIONAL DISTRICT N/A	10. RECIPIENT TYPE N/A
EPA CONTACT	11. PROJECT MANAGER AND TELEPHONE NO.		12. CONSULTANT (WWT Construction Grants Only)
	Richard Hackett, Mayor City of Memphis 901/528-2720		Lenoard S. Wegman Co., Inc. 100 East 42nd St. New York, New York 10017
	13. ISSUING OFFICE (City/State)		14. EPA PROJECT/STATE OFFICER AND TELEPHONE NO.
Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30365 (Water Managment Division)		Mr. James C. Ault, Director TN. Dept. of Construcion Grants & Loans TERRA Building 150 - 9th Avenue, North Nashville, Tennessee 37283 615/741-0638	
15. EPA CONGRESSIONAL LIAISON & TEL. NO.		16. STATE APPL ID (Clearinghouse)	17. FIELD OF SCIENCE
Pat Gaskins 202/755-0568		N/A	N/A
19. STATUTORY AUTHORITY		20. REGULATORY AUTHORITY	21. STEP 2 + 3 & STEP 3 (WWT Construction Only)
P.L. 92-500, as amended Section 201		40 CFR 35, Subpart E	a. Treatment Level b. Project Type c. Treatment Process d. Sludge Design
22. PROJECT TITLE AND DESCRIPTION			
This amendment rescinds special condition No. 1 of Grant Amendment No. 2 and increases the grant amount to the total of grant funds earned and already paid to the grantee. <i>471571620 AI</i>			
23. PROJECT LOCATION (Areas Impacted by Project)			
City/Place		County	State
Memphis		Shelby	TN
24. ASSISTANCE PROGRAM (CFDA Program No. & Title)		25. PROJECT PERIOD	26. BUDGET PERIOD
66.418 Const. Grants for WWTW		N/A	N/A
27. COMMUNITY POPULATION (WWT CG Only)		28. TOTAL BUDGET PERIOD COST	29. TOTAL PROJECT PERIOD COST
N/A		N/A	1,519,866
FUNDS		FORMER AWARD	THIS ACTION
30. EPA Amount This Action		1,136,341	155,545
31. EPA In-Kind Amount		N	N
32. Unexpended Prior Year Balance		/	/
33. Other Federal Funds		A	A
34. Recipient Contribution		200,530	27,450
35. State Contribution		N/A	N/A
36. Local Contribution		N/A	N/A
37. Other Contribution		N/A	N/A
38. Allowable Project Cost		1,336,871	182,995
39. FISCAL		AMENDED TOTAL	
Program Element		1,291,886	
FY		N	
Appropriation		/	
Doc. Control No.		A	
Account Number		A	
Object Class		A	
Obligation/Deoblig. Amount		A	
GKAW80		227,980	
83		N/A	
68X0103.F		N/A	
T40023		N/A	
MGKA048008		N/A	
41,11		N/A	
\$155,545		N/A	
0501		N/A	
0047038602		N/A	

U.S. ENVIRONMENTAL PROTECTION AGENCY

ASSISTANCE AMENDMENT
(Optional)

(Please read instructions on reverse)

ASSISTANCE I.D. NO.

C470386-02

AMENDMENT NO.

4

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION

APPROPRIATION AND ACCOUNTING DATA

APPROPRIATION NUMBER

ACCOUNT NUMBER

OBJECT CLASS CODE

4111

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 30.900 "PROJECT CHANGES AND ASSISTANCE MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL ASSISTANCE AMENDMENTS," THE ABOVE NUMBERED ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

Type Description same as block 22 of 5700-20A

	Former	This Action	Amended
Grant Amount:	1,136,341	155,545	1,291,886
Allowable Cost:	1,336,871	182,995	1,519,866

AWARD APPROVAL OFFICE

ORGANIZATION

Regional Administrator

ADDRESS

Environmental Protection Agency, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

ISSUING OFFICE

ORGANIZATION

U.S. Environmental Protection Agency

ADDRESS

Region IV, Water Division
345 Courtland Street, N.E.
Atlanta, Georgia 30365

RECIPIENT ORGANIZATION

NAME

City of Memphis

ADDRESS

125 N. Main Street, City Hall
Memphis, TN 38013

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter 1, Subpart B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

Charles R. Jeter, Reg. Administrator

DATE

JUL 03 1984

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Richard C. Hackett, Mayor

DATE

7/17

RECORD OF COMMUNICATION	<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSIO. <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY) _____ <div style="text-align: center; font-size: small;">(Record of item checked above)</div>				
1. GRANT FILE C470386-02-3	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">FROM: Don Taylor</td> <td style="width: 40%;">DATE 5-23-8-12</td> </tr> <tr> <td></td> <td>TIME 3:45 PM</td> </tr> </table>	FROM: Don Taylor	DATE 5-23-8-12		TIME 3:45 PM
FROM: Don Taylor	DATE 5-23-8-12				
	TIME 3:45 PM				
SUBJECT PAYMENT CHECK FOR \$155,545					
SUMMARY OF COMMUNICATION <p>A PAYMENT WAS APPROVED AND CHECK PROCESSED TO CITY OF MEMPHIS FOR \$155,545 ON 5-20-83. HOWEVER, THE GRANT HAD BEEN DECREASED SEVERAL DAYS PRIOR.</p> <p>I CALLED MEMPHIS TO REQUEST THEY RETURN THIS CHECK WITHOUT CASHING IT. I SPOKE TO A MR. BENNY LENDERMON, WHO WILL TRY TO INTERCEPT THE CHECK AT THE FINANCE OFFICE BEFORE IT IS CASHED.</p> <p style="margin-left: 100px;">901-528-2120</p> <p>8-12 I called Linderman. He said Memphis decision was that costs were eligible, the grant was closed-out prematurely, and they will eventually be entitled to the funds and they don't mean to refund them. It was a very conscious decision to keep the funds.</p>					
CONCLUSIONS, ACTION TAKEN OR REQUIRED					
INFORMATION COPIES TO: BILL MCBRIDE, LOUIS ECKLEY					

C470386-02-3
City of Memphis, TN
Augmentation (Decrease)

39. Fiscal

<u>Program Element</u>	<u>FY</u>	<u>Appropriation</u>	<u>Doc. Control No.</u>	<u>Account Number</u>	<u>Obj Class</u>	<u>Amount</u>
ABA 779	78	68X0103.A	T40028	Y779048008	41.11	773,532
ABA 881	79	68X0103.8	T40001	9881048008	41.11	325,138
ABA 779	78	68X0103.A	T40015	8779048008	41.11	528,659
G7L B8Q	79	68X0103.B	T40001	BG7L048008	41.11	49,136
G7H B8Q	79	68X0103.B	T40027	BG7H048008	41.11	368,520
Total Decrease -						\$2,044,985 ✓

0502

0047038602

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS

(See instructions on back)

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

Environmental Protection Agency

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER

9. RECIPIENT ORGANIZATION

Name : City of Memphis

No. and Street : 125 N. Main, City Hall

City, State and ZIP Code : Memphis, TN 38103

1. TYPE OF REQUEST
☒ FINAL ☐ PARTIAL

2. BASIS OF REQUEST
☒ CASH ☐ ACCRUAL

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY
 C470386-02

5. PARTIAL PAYMENT REQUEST
 5 ✓

PERIOD COVERED BY THIS REPORT

FROM (Month, day, year)
 10/30/81

TO (Month, day, year)
 5/9/83

10. PAYEE (Where check should be sent if different than item 9)

Name :

No. and Street :

City, State and ZIP Code :

83-317

605188

11.

STATUS OF FUNDS

CLASSIFICATION	PROGRAMS—FUNCTIONS—ACTIVITIES			TOTAL
	(a)	(b)	(c)	
a. Administrative expense	\$	\$	\$	\$
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees	4,576,364			4,576,364
e. Other architectural engineering fees				
f. Project inspection fees				
g. Land development				
h. Relocation expense		4170		
i. Relocation payments to individuals and businesses				
j. Demolition and removal				
k. Construction and project improvement cost				
l. Equipment				
m. Miscellaneous cost				
n. Total cumulative to date (sum of lines a thru m)	4,576,364			4,576,364
o. Deductions for program income				
p. Net cumulative to date (Line n minus line o)	4,576,364			4,576,364
q. Federal share to date	1,291,886			1,291,886
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal share (sum of lines q and r)	1,291,886			1,291,886
t. Federal payments previously requested	1,136,341			1,136,341
u. Amount requested for reimbursement	\$ 155,545	\$	\$ 155,545	\$ 155,545

C470386-02

		Phase A	Phase B	
C6143	Wegman	\$2,043,733.00	\$1,799,770.29	\$3,843,543.29
C8028	M. S. U.			121,467.97
C8548	Arthur Beard, Engr. (Value Eng.)			60,353.00
C6143	Wegman	Termination Agreement for Professional Engineering Services		551,000.00
				<u>\$4,576,364.26</u>
			X 33.2112% =	\$1,519,865.49
			X 85% =	<u>\$1,291,886.00</u>

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS

(See instructions on back)

Approved by Office of Management and Budget, No. 80-RO181 PAGE 1 OF 1 PAGES

1. TYPE OF REQUEST

☐ FINAL ☒ PARTIAL

2. BASIS OF REQUEST

☒ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

Environmental Protection Agency

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY

C470386-02

5. PARTIAL PAYMENT REQUEST NO.

4

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER

PERIOD COVERED BY THIS REPORT

FROM (Month, day, year)

7-8-81

TO (Month, day, year)

10-30-81

9. RECIPIENT ORGANIZATION

Name : City of Memphis

No. and Street : 125 N. Main, City Hall

City, State and ZIP Code : Memphis, Tenn. 38103

10. PAYEE (Where check should be sent if different than item 9)

Name :

No. and Street :

City, State and ZIP Code :

82-122

G11188

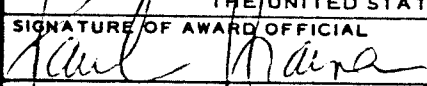
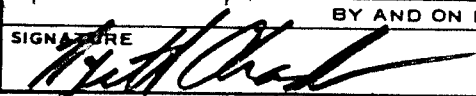
11.

STATUS OF FUNDS

PROGRAMS—FUNCTIONS—ACTIVITIES

CLASSIFICATION	(a)	(b)	(c)	TOTAL
a. Administrative expense	\$	\$	\$	\$
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees	4,025,364			4,025,364
e. Other architectural engineering fees				
f. Project inspection fees				
g. Land development				
h. Relocation expense				
i. Relocation payments to individuals and businesses		4,025,364 x 33.2112% = 1,336,871.68		
j. Demolition and removal		1,336,871.68 x 85% = 1,136,341		
k. Construction and project improvement cost				
l. Equipment				
m. Miscellaneous cost				
n. Total cumulative to date (sum of lines a thru m)	4,025,364			4,025,364
o. Deductions for program income				
p. Net cumulative to date (Line n minus line o)	4,025,364			4,025,364
q. Federal share to date	1,136,341			1,136,341
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal share (sum of lines q and r)	1,136,341			1,136,341
t. Federal payments previously requested	1,103,412			1,103,412

Fmo

U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT AMENDMENT (Optional) (Please read instructions on reverse before completing)		GRANT NO. C470386-02-2 AMENDMENT NO. 2
<p>NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Grant Amendment by the parties thereto.</p> <p>Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Grant Amendment by EPA.</p>		
GENERAL INFORMATION		
APPROPRIATION AND ACCOUNTING DATA		
APPROPRIATION NUMBER 68X0103.B DCN: T-40001 68X0103.B DCN: T-40027	ACCOUNT NUMBER BG7L048008 \$ 49,136 BG7H048008 \$368,520	OBJECT CLASS CODE 41.11 Program Element: G7LB8 41.11 Program Element: G7HB8
DESCRIPTION OF AMENDMENT: PURSUANT TO EPA GRANT REGULATION 40 CFR 30.900 "PROJECT CHANGES AND GRANT MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL GRANT AMENDMENTS," THE ABOVE NUMBERED GRANT AGREEMENT IS AMENDED AS FOLLOWS:		
The purpose of this grant amendment is to increase the grant eligible project cost to reflect the amount of the final negotiated Wegman engineering design contract.		
Former Eligible Cost: \$3,251,376 Change In Eligible Cost: \$ 491,360 Current Eligible Cost: \$3,742,736	Former Award: \$2,763,670 This Action: \$ 417,656 Amended Total: \$3,181,326	
ELIGIBLE PROJECT COSTS:		
Administrative (Est.) Engineering: Wegman: Phase A Phase B Memphis State University Value Engineering (Est.)	\$ 125,000 1,835,073 8,879,426 130,000 300,000 <u>\$11,269,499</u>	
Only 33.2112% of these costs are eligible as the sludge portion of the project.		
(Continued on attached sheet.)		
AWARD APPROVAL OFFICE		ISSUING OFFICE
ORGANIZATION Water Division		ORGANIZATION Water Division
ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308		ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308
GRANTEE ORGANIZATION		
NAME City of Memphis		ADDRESS 125 North Main Street Memphis, Tennessee 38103
Except as provided herein all terms and conditions of the basic grant agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter 1, Subpart B.		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY		
SIGNATURE OF AWARD OFFICIAL 	TYPED NAME AND TITLE Paul J. Traina, Director, Water Div.	DATE JAN 15 1980
BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATION		
SIGNATURE 	TYPED NAME AND TITLE Wyeth Chandler, Mayor	DATE 2-25-80

C470386-02-2
Memphis, Tennessee

APPROVED REVISED PROJECT PERIOD:

Initiation: September 29, 1978
Completion: September 30, 1981

SPECIAL CONDITIONS:

1. Should the coincineration project not be constructed through no fault of EPA, any funds expended would have to be returned to the federal government.

PROPOSED REVISED GRANT PAYMENT SCHEDULE:

FY 80	2nd Quarter	\$469,000
	3rd Quarter	\$417,000
	4th Quarter	\$476,000
FY 81	1st Quarter	\$577,000
	2nd Quarter	\$541,000
	3rd Quarter	\$451,000
	4th Quarter	\$250,326

TOTAL: \$3,181,326



U. S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C. 20460

NOTIFICATION OF ASSISTANCE AWARD ACTION—Construction

(Note: Awards are subject to declination by applicant)

Handwritten signature

1. EPA OFFICE OF LEGISLATION CONTACT Pat Gaskins		TELEPHONE (202) 755-0488		2. ASSISTANCE AGREEMENT/AMENDMENT TO BE MAILED TO APPLICANT ON OR AFTER Jan. 22, 1980			
3. ISSUING OFFICE EPA, Region IV Atlanta, GA 30303				4. LOG NUMBER Four-C-211		5. DATE OF AWARD Jan. 15, 1980	
6a. COMMUNITY REP OR PROJ DIRECTOR (Name, Title, Telephone) Wyeth Chandler, Mayor 901-534-9611				7. RECIPIENT (Name, Street, City, State, ZIP Code, County, Cong. Dist.) City of Memphis 125 North Main St. Memphis, TN 38103 County: Shelby Congressional Dist: 6, 7 & 8 <i>47-157-1620</i>			
6b. CONSULTANT (Name, City and State) Leonard S. Wegman, Inc. New York, NY							
8. PROJECT LOCATION (Areas impacted by project)						9. RECIPIENT TYPE Municipality	
CITY/PLACE		COUNTY		STATE		CONGRESSIONAL DISTRICT	
10. COMMUNITY POPULATION 667,150		11. FIELD OF SCIENCE		12. PROJECT STEP 2		13. EIN CODE	
14. EPA CONTACT FOR PROJECT INFORMATION (Name, Title, Telephone) Andrea E. Zimmer, Project Manager Tennessee Section 404-831-3116				15. ASSISTANCE IDENTIFICATION NUMBER C470386-02-2		16. TYPE OF ASSISTANCE ACTION Increase (Aug.)	
19. ASSISTANCE PROGRAM Wastewater Treatment Construction CFDA Program No. 66. 413				17. PROJECT PERIOD		18. BUDGET PERIOD	
20. ASSISTANCE MAKING AUTHORITY (P.L. Title, Section) P.L. 92-500, Title II, Section 201				25. FORMER ELIGIBLE COST \$ 3,251,376 CHANGE IN ELIGIBLE COST \$ 491,360 CURRENT ELIGIBLE COST \$ 3,742,736		26. FORMER AWARD \$ 2,763,670 THIS ACTION \$ 417,656 AMENDED TOTAL \$ 3,181,326	
21. FORMER AWARD \$		22. TOTAL PROJECT COST \$		25. FORMER ELIGIBLE COST \$ 3,251,376		26. FORMER AWARD \$ 2,763,670	
THIS ACTION \$		23. TOTAL BUDGET COST \$		CHANGE IN ELIGIBLE COST \$ 491,360		THIS ACTION \$ 417,656	
AMENDED TOTAL \$		24. UNEXPENDED PRIOR YR. BAL. \$		CURRENT ELIGIBLE COST \$ 3,742,736		AMENDED TOTAL \$ 3,181,326	
27. PROJECT TITLE AND DESCRIPTION Increase necessary due to the final negotiated design contracts costs for the coin-cineration project were above the original estimate.							
28. OTHER INFORMATION 85% Grant Alternative \$49,136 (Represents 10% of Total Eligible Cost)							
29. FISCAL DATA							
PROGRAM ELEMENT	FY	APPROPRIATION	DOCUMENT CONTROL NO.	ACCOUNT NO.	OBJ CL	OBLIG AMT	
G7LB30	79	68X0103.B	T-40001	B07H048008	41.11	49,136 (A1	
G7HB30	79	68X0103.B	T-40027	B07H048008	41.11	368,520	

U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT AMENDMENT (Optional) (Please read instructions on reverse before completing)		GRANT NO. C470386-02-1 AMENDMENT NO. 1
<p>NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks of receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Grant Amendment by the parties thereto.</p> <p>Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in termination of consideration of the Grant Amendment by EPA.</p>		
GENERAL INFORMATION		
APPROPRIATION AND ACCOUNTING DATA		1978 DCN: T-40028 ✓ 1979 DCN: T-40001 ✓ (A)
APPROPRIATION NUMBER 68X0103.A 68X0103.8 (Alternative)	ACCOUNT NUMBER Y779048008 9881048008	OBJECT CLASS CODE 4111 4111 \$773,532 \$325,138
DESCRIPTION OF AMENDMENT: PURSUANT TO EPA GRANT REGULATION 40 CFR 30.900 "PROJECT CHANGES AND GRANT MODIFICATIONS" AND 40 CFR 30.900-1 "FORMAL GRANT AMENDMENTS," THE ABOVE NUMBERED GRANT AGREEMENT IS AMENDED AS FOLLOWS:		
Increase necessary for preparation of plans and specifications for ultimate sludge disposal in a co-incineration resource recovery project.		
Former Eligible Cost:	\$2,220,000	Former Award: \$1,665,000
Change In Eligible Cost:	\$1,031,376	This Action: \$1,098,670*
Current Eligible Cost:	\$3,251,376	Amended Total: \$2,763,670
REVISED BUDGET PERIOD:		*This grant increase adjusts the original grant amount to 85% of the eligible project cost (33.2112% of the total project cost).
September 29, 1978 - December 1, 1980		
REVISED PAYMENT SCHEDULE:		
FY 79	3rd Quarter	\$325,000
	4th Quarter	\$420,000
FY 80	1st Quarter	\$450,000
	2nd Quarter	\$450,000
	3rd Quarter	\$510,000
	4th Quarter	\$480,000
FY 81	1st Quarter	\$128,670
(See Attached Sheet)		
AWARD APPROVAL OFFICE		ISSUING OFFICE
ORGANIZATION Water Division		ORGANIZATION Water Division
ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308		ADDRESS Environmental Protection Agency, Region IV 345 Courtland Street, N.E. Atlanta, Georgia 30308
GRANTEE ORGANIZATION		
NAME City of Memphis		ADDRESS City Hall 125 North Main Street Memphis, Tennessee 38103
Except as provided herein all terms and conditions of the basic grant agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter I, Subpart B.		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY		
SIGNATURE OF AWARD OFFICIAL <i>Asa B. Foster, Jr.</i>	TYPED NAME AND TITLE Asa B. Foster, Jr., Dir., Water Div.	DATE MAR 20 1979
BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATION		
SIGNATURE <i>Wyeth Chandler</i>	TYPED NAME AND TITLE Wyeth Chandler, Mayor	DATE 4-20-79

SPECIAL CONDITIONS:

1. The engineering costs associated with this grant are only estimated costs. The city is responsible for compliance with 40 CFR 35.936 and 35.937. The grant amount will be amended to reflect any changes in the negotiated engineering cost.
2. The engineering contracts proposed for this grant must be modified in accordance with the eligible project items. No work may begin until the appropriate contracts are approved by EPA.
3. The city shall apply for and obtain all applicable Corps of Engineer Section 10/404 permits prior to 50% payment.
4. Conduct a biological survey for all construction areas to identify any threatened, rare or endangered plant or animal species which might be affected. Determine mitigative measures to be taken. The survey should cover a minimal distance of 50 feet to all sides of construction activity and should also identify trees of unusual size or special historical value. The report shall be reviewed and approved by the Tennessee Department of Conservation and recommended measures shall be incorporated into the plans and specifications.
5. As soon as probable construction sites are determined, this information must be reviewed with the Tennessee Historical Commission/State Archaeologist. The need for and scope of field archaeological surveys shall be determined and conducted to identify potentially impacted sites eligible for inclusion in the National Register of Historic Places. Any necessary revisions in layout or other measures necessary to mitigate adverse impacts to sites must be determined. These measures must be approved by the Tennessee Historical Commission/State Archaeologist and incorporated into the plans and specifications.
6. Conduct and submit an analysis of the flammable liquid waste produced by the pesticide manufacturer to determine any toxic contaminants it may contain and their potential for destruction in the incinerator afterburner.

C470386-02-1
Memphis, Tennessee

SPECIAL CONDITIONS (Con't)

7. Prior to initiating detailed design of the sludge handling facilities, the results of the pilot plant testing must be submitted and approval obtained for the design parameters to be used.
8. Under the provisions of the regulations, innovative/alternative projects funded at 85 percent are eligible for a 100 percent replacement grant if the project fails. However, since the project is multi-purpose, EPA liability will be limited if replacement should be necessary. This limit will be the cost of the most cost-effective option if the replacement is single-purpose; if the replacement is multi-purpose, the limit will be the amount determined by EPA policy prevailing at the time of replacement.



U. S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C. 20460

NOTIFICATION OF GRANT AWARD ACTION-Construction

(Note: Awards are subject to declination by applicant)

1. EPA OFFICE OF LEGISLATION CONTACT Pat Gaskins		TELEPHONE (202) 755-0488		2. GRANT AGREEMENT/AMENDMENT TO BE MAILED TO APPLICANT ON OR AFTER March 28, 1979			
3. ISSUING OFFICE EPA, Region IV Atlanta, GA 30308				4. LOG NUMBER Four-C-333		5. DATE OF AWARD March 21, 1979	
6. COMMUNITY REP OR PROJ DIRECTOR (Name, Title, Telephone) Wyeth Chandler, Mayor 901-534-9611				7. GRANTEE (Name, Street, City, State, ZIP Code, County, Cong. Dist.) City of Memphis 125 North Main St. Memphis, TN 38103 County: Shelby Congressional Dist: 6 and 8			
8. PROJECT LOCATION (Areas impacted by project)						9. GRANTEE TYPE Municipality	
CITY/PLACE		COUNTY		STATE		CONGRESSIONAL DISTRICT	
10. COMMUNITY POPULATION 21,177		11. FIELD OF SCIENCE		12. PROJECT STEP 2		13. VENDOR CODE	
14. EPA CONTACT FOR PROJECT INFORMATION (Name, Title, Telephone) Samuel L. Waddell, Project Manager Tennessee Section 404-881-3116				15. GRANT NUMBER C470386-02-1		16. TYPE OF GRANT ACTION Increase (Rev.)	
				17. PROJECT PERIOD		18. BUDGET PERIOD	
19. GRANT PROGRAM Wastewater Treatment Construction CFDA Program No. 66. 418				20. GRANT MAKING AUTHORITY (P.L. Title, Section) P.L. 92-500, Title II, Section 201			
21. FORMER AWARD \$		22. TOTAL PROJECT COST \$		25. FORMER ELIGIBLE COST \$ 2,220,000		26. FORMER AWARD \$ 1,665,000	
THIS ACTION \$		23. TOTAL BUDGET COST \$		CHANGE IN ELIGIBLE COST \$ 1,031,376		THIS ACTION \$ 1,098,670	
AMENDED TOTAL \$		24. UNEXPENDED PRIOR YR. BAL. \$		CURRENT ELIGIBLE COST \$ 3,251,376		AMENDED TOTAL \$ 2,763,670	
27. PROJECT TITLE AND DESCRIPTION Increase necessary for preparation of plans and specifications for ultimate sludge disposal in a co-incineration resource recovery project.							
28. OTHER INFORMATION 85% Grant							
29. FISCAL DATA							
PROGRAM ELEMENT	FY	APPROPRIATION	DOCUMENT CONTROL NO.	ACCOUNT NO.	OBJ CL	OBLIG AMT	
ABA-779	78	68X0103.A	T-40028	Y779048008	4111	773,532	
ABA-881	79	68X0103.8	T-40001 (Alter.)	9881048008	4111	325,138	

U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT AGREEMENT/AMENDMENT		GRANT IDENTIFICATION NO.									
		C 4 7 0 3 8 6 0 2 0									
CHECK APPLICABLE ITEM(S)		DATE OF AWARD (Obligation date)									
<input checked="" type="checkbox"/> GRANT AGREEMENT <input type="checkbox"/> GRANT AMENDMENT <input type="checkbox"/> SUBSEQUENT RELATED PROJECT (WWT)		SEP 29 1978 TYPE OF ACTION Continuation									
PART I-GENERAL INFORMATION											
1. GRANT PROGRAM Wastewater Treatment Const.				2. STATUTE REFERENCE P.L. 92-500, 86 Statute				3. REGULATION REFERENCE Title II, Section 201			
4. GRANTEE ORGANIZATION											
a. NAME City of Memphis						c. ADDRESS Room 602, City Hall 125 North Main Street Memphis, Tennessee 38103					
b. EMPLOYER I.D. NO. (EIN)											
5. PROJECT MANAGER (Grantee Contact)											
a. NAME Wyeth Chandler						d. ADDRESS City of Memphis Room 602, City Hall 125 North Main Street Memphis, Tennessee 38103					
b. TITLE Mayor											
c. TELEPHONE NO. (Include Area Code) 901-534-9611											
6. PROJECT OFFICER (EPA Contact)											
a. NAME Samuel L. Waddell						d. ADDRESS Environmental Protection Agency 345 Courtland Street Atlanta, Georgia 30308					
b. TITLE Project Manager, Tennessee Section											
c. TELEPHONE NO. (Include Area Code) 404-881-3116											
7. PROJECT TITLE AND DESCRIPTION											
Preparation of plans and specifications for sludge processing at the North and Maxson treatment plants. Facilities at T. E. Maxson and North Plant include sludge thickeners, digestors, dewatering and appurtenances.											
										PROJECT STEP (WWT) 2	
8. DURATION											
PROJECT PERIOD (Dates) 09/29/78 09/30/79						BUDGET PERIOD (Dates) 09/29/78 09/30/79					
9. DOLLAR AMOUNTS											
TOTAL PROJECT COSTS								EPA GRANT AMOUNT (In-Kind Amt. _____)			
TOTAL ELIGIBLE COSTS (WWT)				2,220,000				UNEXPENDED PRIOR YR. BAL. (EPA Funds)			
TOTAL BUDGET PERIOD COSTS								THIS ACTION (This obligation amount) 1,665,000			
10. ACCOUNTING DATA											
APPROPRIATION		DOC CONTROL NO.		ACCOUNT NO.		OBJ CLASS		AMOUNT CHARGED			
68X0103.A		T40015 ✓		8779048008		41. 41. 41. 11		1,665,000 ✓			
11. PAYMENT METHOD						12. PAYEE (Name and mailing address. Include ZIP Code)					
<input type="checkbox"/> ADVANCES (_____ % of award) <input checked="" type="checkbox"/> REIMBURSEMENT <input type="checkbox"/> OTHER _____ SEND PAYMENT REQUEST TO <u>EPA, Region IV</u>						City of Memphis Room 602, City Hall 125 North Main Street Memphis, Tennessee 38103					

PART II-APPROVED BUDGET

TABLE A - OBJECT CLASS CATEGORY (Non-construction)		TOTAL APPROVED ALLOWABLE BUDGET PERIOD COST
1. PERSONNEL		
2. FRINGE BENEFITS		
3. TRAVEL		
4. EQUIPMENT		
5. SUPPLIES		
6. CONTRACTUAL		
7. CONSTRUCTION		
8. OTHER		N/A
9. TOTAL DIRECT CHARGES		
10. INDIRECT COSTS: RATE _____ % BASE		
11. TOTAL (Share: Grantee _____ % Federal _____ %)		
12. TOTAL APPROVED GRANT AMOUNT		\$

TABLE B - PROGRAM ELEMENT CLASSIFICATION (Non-construction)		
1.		
2.		
3.		
4.		
5.		N/A
6.		
7.		
8.		
9.		
10. TOTAL (Share: Grantee _____ % Federal _____ %)		
11. TOTAL APPROVED GRANT AMOUNT		\$

TABLE C - PROGRAM ELEMENT CLASSIFICATION (Construction)		
1. ADMINISTRATION EXPENSE		
2. PRELIMINARY EXPENSE		
3. LAND STRUCTURES, RIGHT-OF-WAY		
4. ARCHITECTURAL ENGINEERING BASIC FEES		1,920,000
5. OTHER ARCHITECTURAL ENGINEERING FEES	Pilot Studies	200,000
6. PROJECT INSPECTION FEES	Value Engineering	100,000
7. LAND DEVELOPMENT		
8. RELOCATION EXPENSES		
9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESSES		
10. DEMOLITION AND REMOVAL		
11. CONSTRUCTION AND PROJECT IMPROVEMENT		
12. EQUIPMENT		
13. MISCELLANEOUS		
14. TOTAL (Lines 1 thru 13)		
15. ESTIMATED INCOME (If applicable)		
16. NET PROJECT AMOUNT (Line 14 minus 15)		
17. LESS: INELIGIBLE EXCLUSIONS		
18. ADD: CONTINGENCIES		
19. TOTAL (Share: Grantee <u>25</u> % Federal <u>75</u> %)		2,220,000
20. TOTAL APPROVED GRANT AMOUNT		\$ 1,665,000

PART III - GRANT CONDITIONS

a. General Conditions:

The grantee covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this grant, in accordance with all applicable provisions of 40 CFR Chapter I, Subpart B. The grantee warrants, represents, and agrees that it, and its contractors, subcontractors, employees and representatives, will comply with: (1) all applicable provisions of 40 CFR Chapter I, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of Appendix A to 40 CFR Part 30, and (2) any special conditions set forth in this grant agreement or any grant amendment pursuant to 40 CFR 30.425.

b. Special Conditions:

1. This grant is for the dewatering portion of the sludge disposal. Prior to 50% grant payment, the grantee must indicate the ultimate disposal method, approved by the Tennessee Division of Water Quality Control, Division of Solid Waste.
2. The engineering contract proposed for this grant must be modified in accordance with the eligible project items and submitted for EPA review and approval. No payment will be made until the contract is approved by EPA. Subsequent payment will be only in accordance with the EPA approved contract.
3. The grantee shall apply for and obtain all applicable Corps of Engineer Section 10/404 permits.
4. The grantee agrees to complete the SSES and rehabilitation according to the following State approved schedule:

a. Initiate SSES	10/01/78
b. Begin Rehabilitation	03/01/79
c. Complete SSES	02/01/80
d. Complete Rehabilitation	10/01/80
5. The engineering costs associated with this grant are only estimated costs. The grantee is responsible for compliance with 40 CFR 35.936 and 35.937. The grant amount will be amended to reflect any changes in the negotiated engineering cost.

C470386-02-0
Memphis, Tennessee

PROPOSED PAYMENT SCHEDULE

FY 79	1st Quarter	\$371,250
	2nd Quarter	\$555,000
	3rd Quarter	\$555,000
	4th Quarter	\$183,750

STANDARD CONDITIONS

See attached.

b. SPECIAL CONDITIONS (Continued)

PART IV

NOTE: The Grant Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters grant awards and to the appropriate Grants Administration Office for state and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the automatic withdrawal of the grant offer by the Agency. Any change to the Grant Agreement by the grantee subsequent to the document being signed by the EPA Grant Award Official which the Grant Award Official determines to materially alter the Grant Agreement shall void the Grant Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers a grant/amendment to the City of Memphis for 75 % of all approved costs incurred up to and not exceeding \$ 1,665,000 for the support of approved budget period effort described in application (including all application modifications) Construction Grant Application included herein by reference

ISSUING OFFICE (Grants Administration Office)

ORGANIZATION ADDRESS

Water Division
Environmental Protection Agency, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

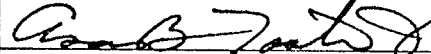
AWARD APPROVAL OFFICE

ORGANIZATION ADDRESS

Water Division
Environmental Protection Agency, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL



TYPED NAME AND TITLE

Asa B. Foster, Jr., Director, Water Div.

DATE

SEP 29 1978

This Grant Agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and grant regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the grantee organization, and (2) the grantee agrees (a) that the grant is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any, found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATION

SIGNATURE



TYPED NAME AND TITLE

Wyeth Chandler, Mayor

DATE

10-31-78